The Institution of Parliament and Democratisation Process in the Islamic Republic of Iran.

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The Institution of Parliament and Democratisation Process in the Islamic Republic of Iran

With Special Reference to the Sixth Majles (2000-2004)

A Thesis Submitted for the Degree of Doctor of Philosophy

By

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DECLARATION

I hereby declare that no portion of the work that appears in this study has been used in support of an application for another degree in qualification to this or any other university or institution of learning.

STATEMENT OF COPYRIGHT

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This research is dedicated to Iran, its great civilisation, history and future. It is hoped that this work can be of any use for the betterment of Iranian political life and therefore Iranian people. The People who truly deserve to lead their life far more prosperous and prestigious than they do now. It has been the greatest expectation through my entire life to undertake at least one step for the motherland to which I owe my soul and identity. I hope that step now has been taken by doing this research.

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ABSTRACT

The quest for democracy in various societies has occupied modern political thinking. At the same time, the desire for democracy in developing countries has become a compelling issue. Iran is no exception. Many argue against this hypothesis by referring to the strong presence of Islam in Iranian society, and build their theory upon the intrinsic inconsistency between Islam and democracy. The present research attempts to challenge this assumption and examine the case of the Islamic Republic of Iran in pursuing democracy and its implementation: democratisation process. The inevitability of modernity as both notion and motion has made democracy the least bad way of governance. The reality of the nation-state which is politically a modern concept has incorporated functions and expectations that make democracy, not merely one option any more, but the most feasible way of governing a nation-state efficiently. The Western-liberal model of democracy is not the sole criterion for perceiving good governance. Nevertheless, non-Western attempts to reform, mainly in the Muslim societies, must not be seen as pre-determined to fail simply because reform or democracy is not indigenous.

The formation of the Islamic Republic in 1979 and also the reform movement of 1997 showed a discursive development within Iranian society. Iran's troubled encounter with modernity brought about different narratives and consequences. The emergence of the liberal discourse of modernity as the first result of such an encounter failed to accommodate Iranian society and modernity and ended with a modernist but authoritative discourse. The consistent failure of secular discourse to deliver an acceptable form of modernity caused a backlash and led to the prevalence of authentic discourse and profound criticism of modernity. The triumph of Islamic discourse and the installation of the concept of *wilayat al-faqih* theorised under Shi'ism ought to be seen as the final phase of Iran's encounter with modernity. The present experience of having a modern state with elected—although weak—government and parliament with religious (authentic) character provides the necessary ground for understanding, further practice and improvement. The analysis of the Islamic Republic's Sixth Majlis helps in establishing this hypothesis.

INTRODUCTION

AIMS AND OBJECTIVES

In the quest for democracy one question is most important: Is Western liberal democracy the ideal model of democracy that must be followed and implemented accordingly by all other societies? For instance, the relation between Islam and democracy has been a dilemma in contemporary political thought. As a result, many scholars have attempted to establish a degree of compatibility between an Islamic model of government and democracy. In other words, the question is whether both Islamic notions and democratic values can be upheld at the same time? Although many attempts have been made to reconcile the two, no consensus has been reached. The advocates of the Islamic discourse are split between those who insist on such compatibility and those who do not consider that Islam needs to be compatible. This latter group see Islam as sufficient to ground all aspects of individual and collective life and reject other alternatives and knowledge regarding governance. The stark contrast between these two existing opinions within Iranian society created an institutional phenomenon named the Islamic Republic and therefore new scope for further investigation about this modern-religious structure.

The victory of the Islamic revolution and the installation of Islamic Republic led to a methodological confusion in the field of political science. The resurgence of Islamic notions amid to establish a religious nation-state was not seen scientifically justifiable. This revival of Islam in socio-political spheres was felt to be reactionary and backward. It thus, opened a new category within political studies to view more seriously the issue of religious discourse and political culture in politics. This research aligns itself in this field, aiming to further our understanding of the democratic political process (parliamentary politics) and religious discourse (the presence and influence of a certain interpretation of Shi'ism based on *wilayat al-faqih*) in post-revolutionary Iran.

The fundamental and preliminary questions upon which this research attempts to explore its hypothesis are as follows: what are the main qualifying elements of democracy? Is the Western-liberal model of modernity an all-pervasive and universal

method for reaching democracy, or there are other alternatives and narratives for democratisation? What is the role and weight of political culture here? Is it feasible that democracy might become established in the very religious society of Iran? What are the signs of Iran's encounter with modernity and democratic values? And in this light, where should be seen the Islamic Republic of Iran? Are the main causes of the Islamic Republic rooted in Shi'ism as a dominant ideology—as some argue about the concept of *wilayat al-faqih*—or is the Islamic Republic the result of a discursive development? How do we see this discursive development evolving since the establishment of a constitution and parliament in Iran? Can we take Iran's dynamic—although inconsistent—institutional trajectory and intellectualism (assumptions of the thesis) as the sign of a democratisation process (hypothesis of the thesis)? And if yes, who were the movers and shakers behind this process?

This research is therefore a fresh attempt to answer these questions and to examine the validity of the abovementioned hypothesis by utilising discursive analysis. To do this, I start by considering democracy and the democratisation process in the first chapter. I argue that the scientific discourse cannot solely accommodate the sophisticated and interwoven parameters involved in Iran's socio-political sphere. I then turn to religion (Shi'ism) as a formidable factor in shaping and determining socio-political realities in Iran, therefore impossible to ignore or underestimate. This leads me to investigate primary sources and texts available in Iran regarding the historical aspects of political Shi'a, notably *wilayat al-faqih* (jurisprudent rule) until recent jurisprudential developments.

In Chapter Three, I analyse the Constitution and the institutional equilibrium of the Islamic Republic. The study of Iran's constitutional hierarchy tells us that although the elected institution of parliament has been given a great deal of power to scrutinize government, in the broader context it has only a limited role—if any—in implementing democratic procedures. In Chapter Four, I focus on how factional politics evolved through and became a conduit for an internal reform movement within the Islamic Republic. Chapter Four examines the tactical alliance between moderate left and moderate right (conservatives) and tries to examine President Khatami's reformist mandate within this category. The argument therefore is to assess the Sixth Majlis' performance according to the publicly announced reform mandate.

METHODOLOGY

The methodological foundation of the present thesis is based on qualitative methods. By qualitative methods I mean surveying and investigating books, journals and newspapers. It is essential to mention here that up to half of the sources quoted and cited in this thesis are in Persian and needed accurate translation and transliteration. Library sources both in English and Persian were consulted on great scale as well as archive collections for the Persian newspapers, weekly and monthly periodicals. In addition to sources available in British libraries, I managed to conduct six months of field research in Iran in the university libraries of Tehran, Shahid Beheshti and also Ayatollah Mara'shi's Library in Qum.

Due to the very contemporary nature of the present research subject, sources on parliamentary politics in Iran are scarce. This thesis benefits from a wide range of newspaper achieves by extracting the relevant editorials, interviews and party analyses, many of which have been translated to English for first time for this research. In fact, it was the most challenging part of the research since many newspapers which I needed to take notes from had been banned and hence removed the collections. I also conducted an interview with a former MP, an extract from which is translated and reproduced towards the end of Chapter Four. In terms of quantitative methods, I obtained a collection of raw data and statistics from the Centre for Research of the Majlis and also Iran's Interior Ministry. I have classified them and drawn relevant tables which can be found in Chapter Four.

For references and bibliography I have used the standard set out by the *International Journal of Middle East Studies* (IJMES). I have also employed a method of transliteration which is most compatible with the pronouncement of them in Persian. The exception is for the name of individuals, books and also well-established transliterations such as: ijtihad, faqih, Shi'ism, Sunna, Shari'a, ulama.

LITREATURE REVIEW

The first issue prior to embarking on a research project is drawing up the scope and extent of it. The preliminary investigation to the present thesis proved that studying democracy and democratisation process in Iran is a multi-dimensional task. On one hand, one faces an enormous academic literature on democracy and related subjects, i.e. political thought and its history, political theories, types of governments including empirical and institutional experiences of democratic governments, political culture, charismatic and influential figures and also religions. On the other hand, the issue of narrowing down the subject of research becomes more challenging. One cannot easily exclude any of the above-mentioned disciplines from a study of democracy either as a concept or a model of government in a society. In my survey prior to and during this present research I have come across various disciplines which have had much to offer.

On democracy, I have most benefited from two books: *Models of Democracy* by David Held and *Developing Democracy: towards Consolidation* by Larry Diamond. The invaluable *Preface to Democracy* by Robert Dahl provided me with great insight and analysis on democratic theorising. David Beetham's *Defining and Measuring Democracy* introduced me to mostly unnoticed aspect of democracy. Paul Hirst's *Associative Democracy* was essential in helping me recognise the deficiencies of liberal democracy and opened new windows for understanding and categorising democracy. Of course, classical texts by Alex de Tocqueville, Max Weber, Karl Marx and Schumpeter were quintessential. On democratisation process, works written by David Whitehead (*Democratisation, Theory and Experience*) and Jean Grugel (*Democratisation, A Critical Introduction*) were significant in shaping the first chapter. I also used Samuel Huntington's and Anthony Giddens' books on political systems and structure.

On defining and relating the concept of democracy to Iranian society, this thesis utilised invaluable works on Iran's encounter with modernity. The most informative and analytical work that was referred to on this field is Mirsepassi's *Intellectual Discourse and Politics of Modernisation in Iran.* It gave the foundation stone for building my argument concerning the discursive development of Iran's experience of democratisation. Also, Ali Gheissari's excellent book *Iranian Intellectuals in 20th*

Century and Farzin Vahdat's *God and Juggernaut: Iran's Intellectual Encounter with Modernity* added extensive analysis and value to my research. *Islam and Democracy* by Ali Abootalebi provided significant scientific analysis and evaluation on the trajectory of democracy in Iran.

On Islam and Shi'ism, I relied heavily on the primary sources, which I consulted during my field research in Tehran and Qum. For example, Shaykh Tusi's *al-Nahay-i,* Al-Kulayni's *Usul al-Kafi*, Ayatollah Khomeini's *Hukumat-i Islami*, Baqir Majlisi's *Bihar al-Anvar*, Mohsen Kadivar's *Nazariah-haiyyih Dawlat dar Fiqh-i Shi'a*, Jamile Kadivar's *Tahawwul-i Guftaman-i Siyasi Shi'a dar Iran*, Mujtahid Shabesari's *Naqdi bar Qira'at-i Rasmi az Din*, and Ayatollah Montazeri's *Dirasat fi al-Wilayat al-faqih*, Ayatollah Mutahhari's various publications and Ali Shari'ati's collection of books. From the secondary source, the research has benefited greatly from Colin Turner's well written guide book on *Islam, the Basics* and his attempt to unveil the most authentic portrayal of Islam according to Koran and the Tradition. Also, Soroush's *Reason, Freedom and Democracy in Islam* plus Neal Robinson's *Concise Introduction to Islam* should be mentioned here. Lloyd Rigion's *Religion and Politics in Modern Iran* was essential reading for covering the dynamics of Iran's intellectualism and the influence of the West. It also opens a fresh window of research on how religious and secular discourses evolved through time and became dominant.

On political culture I should mention the following books: *Political Attitudes and Democracy* by Gabriel Almond and Sidney Vebra; *Political Man, the Social Bases of Politics* by Seymour Martin Lipset; and Mansoor Moadel's *Political Culture in the Islamic Republic*. On the socio-political situation in Iran and the Islamic revolution, three books were central: *Iran between Two Revolutions* by Ervand Abrahamian; *History and Politics in Iran* by Homa Katouzian and, *A Century of Revolution, Social Movement in Iran* by John Foran. Of course on the political structure of Iran, Schirazi's significant book is compelling: *The Constitution of Iran*. Towards the end of the thesis, the majority of sources are primary and from Iranian newspapers and magazines as well as internet websites.

1. CHAPTER ONE: DEMOCRACY, MODERNITY AND POLITICAL CULTURE

1.1INTRODUCTION

This chapter aims to outline a balanced presentation of the issue of democracy and democratisation process, as the main goal of the present research is to explore the state of democracy and its institutional implementation that is parliament in the current Iranian state. This chapter also attempts to provide an introductory but informative-analytical debate on democracy related issues. Given the particularity of Iranian encounter with democracy after the Islamic Revolution, it becomes increasingly more difficult to apply the classic scientific theories for explaining and verifying the contemporary Islamo-Iranian issue.[1] The simple justification for this statement is the undeniable presence and influence of the religious and cultural dimension within contemporary Iranian politics. In fact, the emergence of the Islamic Republic struck another blow against scientific discourse in political science. That is because for the scientific discourse the subjects of culture or religion can hardly be studied scientifically due to their abstractive and subjective character.

In the wide spectrum of political studies, there is still disagreement over the name of the field itself, as many tend to call it "political science" while others call it "area study" and some "political studies". It is hard to see such theoretical array within any other academic field as there is less disagreement over the title of the field. It is also true that a substantial body of work relating to democracy and democratisation process have been conducted through scientific discourse for two obvious reasons. One is that in the West experience of democratisation was primarily explained and theorised under the scientific method which is calculative, measurable and concerned with objective socio-economic development. Second, as the result of applying scientific method, a strong tendency emerged to construct comparative politics for less developed and developing counties whose trajectory to achieve their goals were assumed to be the same as the West's.

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[1] For example, Marxism or institutionalism.

There is, in fact, a theoretical dilemma within the field of political studies which any researcher must tackle prior to embarking on his/her work. Firstly, they must find an appropriate discourse within which they conduct their analysis, and secondly, they must adopt a theoretical framework within which the results of their study can be interpreted. Of course, this study is not excluded from such dilemma. In dealing with this predicament, I will argue in this chapter that critical social theory is more appropriate than scientific social theory for studying the current democratic dilemma in Iran. By so doing, the necessary theoretical ground is provided for testing our main hypothesis of incompatibility of Islamo-Iranian political culture with democracy in the Western sense of term.

The ongoing debate and struggle to adopt a pervasive pattern of democracy in developing countries has cast some doubt over so far valid and indisputable prescriptive understanding of democracy or better say democratisation. It is also true that modern nation-states have many common characteristics and functions in terms of state-society relation that makes it feasible for generalisation and thus modelling patterns. But, the crucial issue which is often ignored by the political scientists is the wider historic, contextual and functioning qualities of developing countries and the scientists' over-reliance on positivism as their methodological conduct. The present thesis aims to shed some light on the specific nature of the Iranian state and its influence on acquiring democracy. So in this first chapter, our attempt is to distinguish the concept of democracy not necessarily as a Western by-product of modernity, but as a universalistic approach for embracing modernity in governance.

In case of studying the state of democracy and democratisation process in the Islamic Republic of Iran, as mentioned above we are faced with two major options. This chapter, in addition to providing an epistemological introduction to the concept of democracy and democratisation, has attempted to explain and explore the inefficiencies of covert application of scientific method in studying democratisation in developing countries in general and in Iranian case in particular. However, we should not overlook the merits of scientific method in terms of state-society relationship (distribution of resources, social classes and economic power, political and judicial institution, etc).

1.2. DEMOCRACY, POLITICS OF MODERNITY

A lot has been said on the merits of democracy and its superiority over other methods of political rule. Also, many criticisms have been offered of the political systems which could not implement democratic norms and procedures. One can pose the question: Wherein lies the superiority of democracy? If there is righteousness, where does it come from? Does it come from the Western experience of modernity? Is it right because the Europe's socio-economic struggle after all concluded in a coexistence and cooperation between capitalism and democracy? Is democracy right and best for all other nations because through this path developing countries concede to follow the West in their quest for prosperity, modernity and hence continue to submit? Or is democracy only a tool of maintaining the long established core-periphery relationship for a new post-colonial era? And why democracy seems to be so compelling now? What is the core notion of democracy? Do not we really need to revise the very meaning of democracy upon which many false experiments are conducted?

Of course, within the scope of this current study we cannot explore and provide answer for all the aforementioned questions, but these radical questions should lead our primary attention toward a fundamental notion of modernity and its relation with democracy. It is our assumption in this chapter that democracy is until now the least bad, hence the acceptable model for political system and also, it is the phenomenon of modernity and enlightenment that has expanded the inclusiveness of democratic necessity across time and space. However, there is a danger in assuming that the models of democracy found in the West are necessarily are valid in other context (discursive determination). Thus, the first task to tackle in this chapter is to recruit a more suitable discourse of discerning the dilemma (democratisation in Iran) and second to deploy a testable theoretical ground for our hypothesis (political culture).

To start it is precise to ask, what is the application of modernity in politics? As Mirsepassi delicately maintains "answering this question requires a serious exploration into the genealogy of the Western narrative of modernity and its dichotomizing representation of non-Western cultures and societies." Again, a question arises as: "Is modernity a totalizing, dominating and exclusionary ideology,

which is primarily and inescapably grounded in European cultural and moral experience and therefore incapable of understanding other cultures as anything other than as its inferior 'other'?"[2] Or, is modernity a mode of social and cultural experience of the present that is open to all forms of contemporary experiences and possibilities?[3]

Truthfully speaking, the communal consciousness of modern Europe has always tended to define its own modernity in opposition to "other's" primitive way of living and thinking. An important link in the genealogy of the modern-traditional has been always the distinction and opposition between civil and uncivil. Civil is a referent to the Western way of thinking and living while the uncivil is an attribute of the non-Western often primitive social forms. It seems that there should be a theoretical explanation as to redefine a new narrative to reconcile the paradoxes between modernity's promise of openness and inclusive qualities and the palpable Eurocentric narrative of modernisation that forecloses the possibility of real local experiences and of their contribution in the realisation of modernity.[4]

The pioneers of liberal tradition of modernity, Montesquieu, Hegel, Weber and Durkheim tend to privilege Western cultural and moral norms, and therefore define modernity in terms of Western cultural and historical experiences. This vision sees a fundamental hostility between non-Western cultures and modernity, a lasting incompatibility. However, in recent years a more radical vision of modernity has emerged as articulated by Habermas, Giddens and Berman that envisages the project of modernisation as a practical and empirical experience that liberate societies from their oppressive "material conditions".[5] Thus, treading the path of modernity according to radical vision should not necessarily be in the same direction that of the West has been. In other words, the emphasis on the loosening of material condition to acquire modernity provides the possibility of a more "locally" imagined interpretation of modernisation.[6]

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[2] Ali Mirsepassi, *Intellectual Discourse and the Politics of Modernisation: Negotiating Modernity in Iran*, Cambridge University Press, 2000, p. 1.
[3] Marshal Berman, *The Experience of Modernity*, Penguin, New York, 1988.
[4] Mirsepassi, *Intellectual Discourse*, p.5.
[5] Ibid, p.2.
[6] Ibid.

As mentioned in the introduction of the thesis, there are various major theories under which any political scientist can instigate a scientific study in the field of politics, but one seemingly is to encounter with difficulty in analysing and categorising the issue of religion and political culture as an active and participant element throughout his/her perusal.[7] It was and still is holding significant validity throughout the scientific discourse that oriental or Islamic political culture as non-modern (backwardness) is not amenable to construct of a modern and democratic system.[8] Building upon this assumption we face with two conclusions. These are, either the Islamic society should surrender its adherence to its regressive roots and beliefs by replacing them with modern, democratic and of course, Western values, or deconstructing the old-fashioned, orientalists attitudes toward Islam—not as an backward ideology—but as an indigenous, authentic, encouraging and after all emancipating philosophy with the inner ability of embracing modern ideas and practices.[9]

We can argue that the evolution of political theories in the West has been in direct relation to the disappearance of religion from polity. In other words, these theories could be best applied to secular societies within which religion no longer holds any significant role in determining the populace's mindset and therefore actions. The entrance of such issues as religion and cultural beliefs into the political discussion oblige the observer to recruit a more suitable platform for his/her posits. We should remember that the widely accepted social theory is in convergence with a secular and unreligious society in which it is the social contracts[10] and norms that matter, not rather abstract concepts and subjects such as divine rule.[11] Thus, for example, the interaction of a secular society with its corresponding political institutions can be best explained under the theory of institutionalism, while, in a religious society like Iran, although having long-standing modern political institutions, the theory of institutionalism per se is unable to elucidate the failure and malfunctioning of its political institutions.

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[7] See for example, Muhammad Reza Behnam, *Cultural Foundation of Iranian Politics*.
[8] See Bernard Lewis, *Islam and the West*, New York, Oxford University Press, 1993.
[9] Two famous intellectuals can be named for each conclusion respectively: Mirza Melkum Khan and Jamal al-din Asadabadi.
[10] Social contracts such as conventions, law and regulations.
[11] See for example, Juan Jacque Rousseau, *The Social Contract; and, Discourses*, translated and introduced by G.D.H. Cole, London, Dent; Vermont, Tuttle, 2004.

The application of scientific discourse is a common method of perception within the field of political science. The resulting theory is constructed upon a distinction between two formations of theoretical notion, subject and object of knowledge. This theory which we can call the "traditional social theory" refers to a series of propositions whose validities lie in its correspondence with an object already constituted prior to the act of representation.[12] Starting from such a theoretical focal point, the theorist or observer pays much more attention to the object of study which is to be a series of factual elements (i.e. the electorate's behaviour in an election), while the subject (i.e. the beliefs and inner motivations of the electorates) is to be the passive element of an act of knowing.[13]

In opposition to this theory, we can utilize "critical social theory", which holds that both science and the reality it studies are the product of a social praxis, which means that the subject and the object of knowledge find themselves socially performed. In other words, the object is not simply "there", deposited before the observer waiting to be captured, nor does the subject merely represent the reality. Both subject and object are the result of complex social process. The fundamental task of critical theory is therefore to reflect upon the structure from which both social realities as well as the theories seeking to account for it (in this thesis political culture) are constructed—including the critical theory itself.

In analysing the Islamic Republic, social theory suggests the seemingly far-reaching possibility of bringing together Islam, as the dominant and popular religion and democracy as a systemic discourse, to fulfil modernisation. The challenge facing this convergence is the lack of a theoretical ground within scientific political discourse capable of explaining and underpinning the possible correlation between Islam and democracy. The persistent weakness of scientific political discourses in explaining socio-political developments in religious countries like Iran has thrown doubt over the validity of such theories.[14] As a result, it is now more than ever necessary to employ a balanced theoretical foundation (critical social theory) that welcomes to subjective notions and concepts like religion too. The general quest of Iranian society for

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[12] Max Horkheimer has first identified and named it traditional social theory.
[13] Santiago Castro-Gomez, e-journal: *Nepantila, Views from South* 1.3. (2000), p.503-518.
[14] Mirsepassi, *Intellectual Discourse*, intro.

modernity, and the case of Islamic Revolution and its institutional result, the Islamic Republic in particular must be seen through this frame.

The history of Iran's encounter with modernity goes back to the mid nineteen century. Since the outset, we can see two paradoxical approaches towards modernity and the West. One has always seen modernity as an undesirable "other", whilst the other approach perceived it as inescapable fate.[15] In featuring this sharp distinction Islam[16] has played and continues to play an essential role, either to approve and accept it as a progressive process or to condemn and denounce it as an alien notion with absolute contradictions with the immutable elements of Islam. Interestingly, through such turbulent path of encountering modernity for majority of the Iranian people, Islam itself has been viewed as the authentic cultural identity (criterion tool).

At least, the widely popular emergence and still existence of the Islamic state proves this proclamation. The irony of continuing encounter between Islamic discourse and the Western discourse primarily does not lie within their intrinsic contradictions and confrontations, at least as far as socio-political history of Muslim societies are concerned. As for more than a century these societies—including Iran—were ushered to embrace and incorporate modernity under secular and modernistic rule. But the result appeared to be otherwise. In particular, the experience of Iranian society shows not only that the ostensible modernistic and secular regime could not fulfil its goal of entering the "gates of civilisation"[17], but caused widespread disillusionment and facilitated the surfacing of an Islamic doctrine.

The major socio-political by-product of fifty seven years of the Pahlavi regime was to re-contextualise the meaning attached to modernisation and modernity in Iran. Mirsepassi argues that the systemic suppression of secular opponents created a political vacuum for the emerging Islamic movement, and its attempts to articulate an alternative to oppressive Western models of modernisation. In fact, the essence of Iranian Revolution can be seen less as a monolithic clash between "modernity" and "tradition", rather as an attempt to actualise a modernity accommodated to national,

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[15] Ibid.
[16] In Chapter 2 a broader account of what can or ought to be constituted as Islam will be presented.
[17] This legendary term was used by Muhammad Reza Shah.

cultural and historical experiences.[18] A broader account of how a strong section of Iranian intellectuals like Ali Shari'ati and Jalal Al-e Ahmad elaborated on this assumption will be presented in Chapter 2.

At the same time, there is another widely held opinion (orientalism or/and area study) that stipulates the lasting incompatibility of Islamo-Iranian political culture with democracy and democratisation process in the Western sense of term.[19] We can name Bernard Lewis and Samuel Huntington as two pioneers of this judgment.[20] These thinkers directly put the blame on the foundations and principles of Islam as a religion and therefore present it as a paradoxical context for establishing and flourishing of democratic—read Western—values. In fact, orientalists such as Lewis believe in a deep ideological and philosophical contradiction and confrontation between Islam and democracy as a modern pattern of governance and emphasise the necessity of amending Islam. It should be borne in mind that the application of scientific discourse in studying a religious society in search of democracy will arrive at the same conclusion as the orientalists, although emanated from different departure points.

The nuanced difference here is that the orientalists equate the failings and regressions of the Islamic societies with their being religious or Muslim, while the scientific scholars count it alongside other socio-economic and political factors, in particular, when debating on prerequisites of democracy such as a political culture conducive to democracy. In the following, we will try to present an extractive account of democracy, its definition, applications and types. However, one should bear in mind that although the following construct is chiefly articulated from the Western context, the culmination of this passage is based on a universalistic principles derived from the common denominator of the democratic approach.

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[18] Mirsepassi, *Intellectual Discourse*, p.15.
[19] For example see: Ali Reza Abootalebi, *Islam and Democracy: State-Society relations in Developing Countries*, 1980-1994, Garland Publishing, INC, New York, 2000, p.ix.
[20] Samuel Huntington's ideas will be discussed later in this chapter and for Bernard Lewis in the Chapter 2.

1.3. EPISTEMOLOGICAL ASPECTS OF DEMOCRACY

More than any other form of government, democracy attracts elaboration and attention. But, what are the prerequisites of democracy? It is not an exaggeration to claim that since the earliest period of written history, the question of who ought to rule and how, has been a major debate of mankind. Aristotle gave particular emphasis on the composition of "social parts" to explain a political system's prevailing type.[21] He referred to the different parts of society as different social classes, occupations and status groups. He noticed the impact of societal composition or class structure (poor-rich) as the real ground of the difference between oligarchy and democracy. Alex de Tocqueville also argued a direct relation between democracy and the equality of people's economic and social condition. He noticed a great deal of "general equality of condition among the people" [in democracies]. Although for him law and political institutions are essential in shaping populace attitudes toward equality and democracy.[22]

Some theorists have attempted to explain the genealogy of various political systems and their relation to democratic norms with modernisation discourse. According to them democracy has "historically risen along with capitalism and in causal connection with it".[23] Weber presented sociological method connecting political economy, Protestantism, bureaucratic rationalism and democracy. Some went further and envisaged that modern democracy can only occur under industrial capitalist development.[24] It is true that in the West, capitalism has been a mode of production conducive to the growth of markets that resulted in the rise of capitalist bourgeoisie, industrial working class and of course, a viable middle class. All are the constituents and carriers of the development of democracy in the West.

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[21] See *The Politics of Aristotle*, trans. E. Baker, Oxford, Clarendon, 1961, p.116.
[22] See Alexis de Tocqueville, *Democracy in America*, edited and abridged by R.D. Heffner. New American Library, New York, 1956.
[23] See Joseph A. Schumpeter, Capitalism, *Socialism and Democracy*,
[24] Seymour M. Lipset, "Some Social Requisites of Democracy: Economic Development and Political Legitimacy" in *American Political Science Review*, no. 53, March 1959, pp. 69-73.

But given the extractive and monopolistic feature of capitalism, its application in developing countries cannot produce the same fruit as it did in the West. In fact, the experience of capitalism in developing countries has wrought a high level of interaction with foreign economic and political interventions which only has added more complexity to the issue. Moreover, the rapid expansion of bureaucratic governments in developing countries due to their late arrival in the cluster of nation-states has left little room for vibrant civil society institutions and private enterprises. The size and power of state in developing countries is enormous and frightening in comparison with their counterparts in the West. Thus, even should we accept the criteria of scientific discourse as to establish equilibrium between state-society relationship in terms of a fair distribution of socio-economic resources for reaching democracy, the application of capitalism in this regard would be dissatisfying.

Karl de Schweintiz argued that Euro-American route to democracy has been "a function of an unusual configuration of historical circumstances which cannot be repeated".[25] Taking only the first part of this judgment to be true, we must recognise the necessity of scrutinising almost all the circumstances, if we are to compare democratisation between Western and developing countries. Even Barrington Moore in his famous book of *Social Origins of Dictatorship and Democracy* indicated that the paths toward parliamentary democracy as well as toward communism and fascism were specific conditions characteristic of particular phases of world history. Both the national and international contexts within which the Western democracy was born have drastically changed. All in all, the particular contexts within which Western democracy occurred do not undermine the universalistic assumption of democracy, but nor does it rule out other democratic models occurring in other contexts.

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[25] Karl de Schweintiz, *Industrialisation and Democracy: Economic Necessities and political possibilities*, New York, Free Press, 1946, p.10.

1.4. CONCEPTS AND NOTIONS OF DEMOCRACY

First of all, it is clear that democracy and democratisation-related issues, like other fields of humanities, are characterised by a dynamic and interactive nature.[26] In other words, we cannot provide a final, universal and timeless definition of the respective disciplines of such issues, although there could be prevailing theories within a specific period of time. Thus, it is essential to be aware that studying and researching such areas require one to assess the merits of different and even totally opposite views. Nowadays, the terminology of democracy is not restricted to academic debates or to the debates of the elite, but is also a serious and tangible matter of importance throughout societies and masses. Issues of the state, its authorities and limits are now being scrutinised under the banner of socio-political development and the democracy resulting there from. In fact, we can claim that due to the ever-increasing complexity of modern societies, the more advanced a certain society is, the greater its demand for democracy will be. Also, one of the facts of political philosophy is that a fixed prescription of an almost faultless definition of democracy is yet hard to achieve.

Our debate revolves around two notions: democracy and democratisation. On the one hand, democracy as the concept of people ruling themselves has become an abstract concept with too many definitions and descriptions. On the other hand, democratisation as the process of implementing the concept of democracy is also credited with assorted methods and schemes. In short, neither the various definitions of democracy can be ignored, nor the diverse methods of its implementation. We thus need a *floating but anchored* concept of democracy, by which the subsequent democratisation process could be best understood as a long term process of *social construction.*[27] It would therefore be appropriate to envisage the process of democratisation as a process of social re-construction

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[26] These are very debatable topics as so many societies, cultures and political systems are involved.
[27] See *Democratisation, Theory and Experience*, (ed) Laurence Whitehead, Oxford, Oxford University Press, 2002, pp. 7-9.

through which the main social (gender, class, ethnicity, religion and nationality), economic (modes of production and income, right to possess and taxation) and political institutions undergo certain developments (structural development). These developments will then pave the ground for the practice and maintenance of a system in which the state and society can interact evenly therefore democratically.

First, we need to define the theoretical grounds for what we mean by democracy. In this chapter, by exploring various models of democracy, we aim to extend our definition, so as to afford a more compatible and flexible model for countries seeking to implement it. In this chapter we will explore current theories of democracy and the process of democratisation. By doing so, we will hopefully reach a firm foundation for the examination of the Iranian experiment of democratisation and find out whether the democratisation process has materialised or not. We cannot merely rely on the establishment of modern and, to some extent, democratic institutions in Iran. This will constitute only a part of our examination, while the rest of the examination will focus on the conceptual and structural dimensions of Iranian state and society. [28]

A self-declared democracy or the implementation of some democratic elements like holding regular elections do not provide appropriate grounds for one to consider that a certain government or system is running democratically. In other words, we must distinguish between one or two—apparently democratic—turn-overs of political power in a society as one model, and a self-maintained and deep-rooted democratic system as another. In the former, there is a non-guaranteed harmony and compromise between political actors (agents) that maintain the regularity of the wider political status quo, whereas, in the latter, there is a consensus between societal structures and the political agents that safeguards the functionality of the democratic system. We should now ask, are there certain criteria to apply or a comprehensive theory by which one state can

[28] To be precise, given the religious nature of Iranian society and therefore, its ambiguous relationship towards civil liberty movements as in the West, the whole focus has chiefly been given to religious intellectuality and political actors. The lack of a robust civil society in Iran may be seemingly disappointing for a prospective democratic discourse. However, having seen two democratically inspired revolutions in less than a century makes a strong case for studying the democratisation process in Iran, no matter how vague and blurred it may seem at first.

be regarded as democratic and another one not?[29] As the rhetoric of various regimes suggests, claiming to be democratic is easier than practicing democracy genuinely.[30]

It is also necessary that our attempt should involve the application of universal factors to the concept of democracy. Frank Cunningham declares that "democracy is of unlimited scope which goes beyond political relations of public and government leaders."[31] As Cunningham explains the "notion of democracy is appropriate to all modes of human association: the family, industry, religion, or any other site of extensive and enduring mutually affecting interactions among people."[32] Moreover, John Dewy maintains that "temporal and local diversifications are two prime marks of political organisations." Thus, the attempts of any society to regulate its common affairs which are the core of political democracy are experimental and will differ widely from one era to another and from place to place.[33] Therefore, the ways of achieving the "democratic progress" or "inhibiting regress" depend on circumstances (social, economic, cultural, etc). As these circumstances vary, the appropriate political institutions, policies, and practices differ accordingly.

As a result, a suitable interpretation of an applicable model of democracy for a target society and hence the democratisation process ought to be a pragmatic one. The notion of pragmatism in the context of democracy could be translated as a "moderate and constructivist" approach to the means and causes of democracy.[34] In other words, the context is a matter of importance when attempting to pin down the applicability of democracy in a very wide range of

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[29] For example, the British government as the oldest and one of the best established democracies in the world was faced with a great paradox in acting against the majority, and utilized its own authority to take the country to war in Iraq in 2003.

[30] In fact, like other discourses relating to societal sciences, "flexibility" and adaptation are among the main elements needed to build a proper framework. In other words, how can we define a compatible theory suitable for applying (or even aspiring to apply) democracy in different societies and cultures, when circumstances and priorities vary considerably from one country to another?

[31] Frank Cunningham, *Theories of Democracy, A Critical Introduction*, Routledge, London, 2002, p. 143.

[32] Cunningham, *Theories of Democracy*, P.144.

[33] Cited by Cunningham, ibid.

[34] Cited by Cunningham, ibid, p.9.

historical, cultural and social contexts.[35] Also, as democracy is both a descriptive concept and a desirable value, and since the precise outer boundaries of the concept are inherently debatable, there are bound to be disagreements over particular applications of the term.[36] Finally, whatever the prevalent and hegemonic conception of democracy may be, this model is also provisional and subject to further challenge and development in the light of further collective deliberation both in academia and societies.

To clarify the meaning of the embedded diversity of democracy, we need to establish our preferred paradigm of 'constructive approach', by posing some questions. As Whitehead asks, does the term democracy carry the same connotation after the end of Cold War as it used to in the bi-polar world? Is the core meaning of the word really identical in Chinese and Arabic to its meaning in English and Greek? Does it make no basic difference to their understanding of the term that different people may occupy different positions in a political hierarchy; or is there no difference in the understanding of democracy by men and women or by true believers and sceptics in an Islamic theocracy? How can the value-laden overtones of the word be prevented from destabilizing our usage? This is an important consideration in a period where power and resources lie in the hands of those who classify themselves as democrats, and when those who are in a position to classify democracy are often not dispassionate observers, but actively interested parties. Can we disregard historical change, and assume some underlying continuity of meaning for the term extending through the city-states of antiquity to the nation- states of modernity into the electronically integrated world that may soon be upon us?[37]

As Whitehead's list of questions highlights, the difficulty around the issue as to whether the term 'democracy' has a clear core meaning which could be universally applicable and that is essentially objective or not still exists. Also, in the scope of humanities providing the absolute answer of 'yes' or 'no' for

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[35] Of course, there cannot be substantial disagreement on the core concept of democracy, as it makes the debate pointless. However, there is and ought to be various opinions on the applications of democracy in different societies.
[36] Whitehead, *Democratisation, Theory and Experience*, p. 7.
[37] Ibid, p. 8.

questions and hypotheses is simply hard to accept, and can be challenged by others. However, the most recent resistance towards the normative meaning of democracy has arisen mostly from politicians.[38] They argue that the term 'democracy' originated from a Western intellectual background and is not homogenous to non-Western societies. Therefore, it could be argued that it is not globally applicable. In this respect, although most scholars and analysts seek to avoid the idea of a specific verifiable and a generally applicable meaning of the term 'democracy', they reach a consensus upon 'democracy' and its negation, 'authoritarian rule'. This standardises a single timeless and objective definition, making it a very compelling proposition.[39]

However, since the chief concern here is how contemporary experience—regardless of the social, economic and political context of any society—may challenge or destabilise pre-existing theory, the aim is not to provide a timeless and universal type of conceptual analysis. It is more about the reality of 'an existing democracy' rather than about prescribing one or more idealised variants of a possible and suitable model of democracy.[40]

However, in order to demonstrate the essential elements of democracy as the dominant conceptual and institutional practice of contemporary ideology from the Cold War onwards, it is necessary to set up a *minimumal* or *procedural* definition.[41] Although such a definition could be both insufficient and too demanding, the absence of standards and minimums will result in the problem remaining unsolved. Whitehead argues that the "procedural definition is insufficient because it excludes the inescapably of the teleological component of democracy which is what gives it emotional force. It is also too demanding because really existing democracies cannot be expected consistently to conform to the minimum standards that it stipulates."[42]

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[38] For instance, the conservative faction in the Islamic republic does not recognise the term democracy as a universal and inclusive concept, but an ill-judged Western tool for domination over other nations.
[39] Whitehead, *Democratisation, Theory and Experience*, p.11.
[40] Polygarchies is used in Robert Dahl's terminology.
[41] This idea was originated by Joseph Schumpeter in *Capitalism, Socialism and Democracy*, intro by Swedberg, London, Routledge, 1994, p.109.
[42] Whitehead, *Democratisation*, p. 12.

Philippe C.Schmitter is a pioneer who introduced an overview of current orthodoxies on the meaning of democracy.[43] He distinguishes between "concept", "procedures", and "operative principles" of democracy. According to him, at the "conceptual level" the most distinctive feature of democracy is said to be the existence of a broad category of citizens, who can hold rulers accountable for their actions in the public realm through the competition and cooperation of elected representatives.

"Democratic procedures" are said to be indispensable for the persistence of democracy, although on their own they are not sufficient conditions for its existence. And finally, there are "operative principles" of democracy which guarantee and regulate the circle of democratic politics for long term. To produce better understanding of these levels we refer to Schmitter and Karl. They summarized the seven "procedural minimum" conditions for democracy as suggested by Robert Dahl, and have added two more of their own conditions which reflect the wider range of democratic experiments attempted since Dahl first studied them. These conditions are:

I. Control of government decisions about policy is constitutionally vested in public officials.
II. Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.
III. Practically all adults have the right to vote in the election of officials.
IV. Practically all adults have the right to run for elective offices in the government.
V. Citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined.
VI. Citizens have a right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by law.
VII. Citizens also have the right to form relatively independent associations or organizations, including independent political parties and interest groups.

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[43] *Transition from Authoritarian Rule*, (ed.) Philippe C. Schmitter [et al], Baltimore, John Hopkins University, 1986, p. 46.

VIII. Popularly elected officials must be able to exercise their constitutional power without being subjected to over-riding (albeit informal) opposition from unelected officials.

IX. The polity must be self-governing; it must be able to act independently of constraint imposed by some other overarching political system.[44]

In respect of minimum procedures, Schmitter and Karl argue that these express the way in which democratic regimes actually function. These principles constitute "the active and participant consent of the people to a more cumbersome and conditional formula by the contingent consent of politicians that should act under conditions of bounded uncertainty."[45] Of course, it could be argued that the above measures are both too precise and too incomplete at the same time. It is too precise because it indicates that there was no democracy before universal adult suffrage; for example, Switzerland only became a democracy in 1971 when women achieved the right to vote. However, in a comprehensive realistic forum, this argument is not perceived valid. It is also imperfect as it fails to embrace sufficient safeguards to protect the *outcomes* of its proposed ideal which is democracy. In other words, solely emphasizing procedures of public decision-making and accountability may cause the disregard of outcomes.[46]

If we concede to these minimum procedural measures and testify them with the reality of our case study, the Islamic Republic of Iran, we will soon realize that hardly three of the afore mentioned measures are applicable. The measures I and III are fairly applicable and measure II is partially. So for the rest of measures, either they are not sanctioned constitutionally or are in clear contrast with some essential articles of the constitution or simply have been overcome with other contradictive measures within the document.[47] Notably, measure IV stipulates that practically all adults should have the right to run for elective offices in the

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[44] Phillippe C.Schmitter and Terry Lynn Karl, 'What Democracy is… and is not', in Larry Diamond and Marc F.Plattner (ed), *The Global Resurgence of Democracy*, Baltimore: John Hopkins University Press, 1993, p.45.
[45] Ibid.
[46] David Beetham (ed), *Defining and Measuring Democracy*, London, Sage, 1994, p.76.
[47] A full account on the Islamic Republic Constitution will be presented in Chapter 3.

government. While in the Iranian constitution, certain specifications such as being from the clergy guild are obligatory for top political and judiciary posts.[48]

Equally, measures IV, V and VI provide the citizens with the minimum rights of self expression; freely obtained information; and the freedom to establish political parties. Again, according to the parliamentary legislations or institutional practices in Iran, these rights have been practically withdrawn and replaced with restrictive and anti-democratic rules.[49] Today's reality of Iranian society shows that the implementation of democratic measures and values are seemingly better than previous regimes and the state is constitutionally bound to adapt and undertake democratic norms.

Holding more than twenty five elections in twenty four years since the establishment of the regime can support this assertion. Nevertheless, there are other reasons which suggest that the aforementioned minimum procedures are insufficient, because being obliged only to these minimum measures can result in a totally inappropriate direction. Deprivation of women's right to vote or reinforcing unjust laws on minorities through a democratic referendum can be named as examples. Thus, insisting upon only democratic norms do not prevent anti-democratic outcomes.[50]

Generally, the classic stress of democracy is overwhelmingly on *procedures* of public decision-making and accountability, and it could lead to disregard of the *outcomes* and the critical issue of social values. In this respect, we can refer to the diverse types of democracies which have employed various social values. For example, the Scandinavian social democracy may represent a subcategory and Japanese money politics another, but they are democracies in the essential minimum respects. Provided that the procedural requirements of a democracy are met, we would be obliged to classify political systems as democratic without regard for the social inequities they accommodated.

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[48] The Supreme Leader, the Head of Judiciary, the Minister of Intelligence and the Attorney General must be from the clergy guild.
[49] For example, the full scale authority of the Guardian Council on vetting process of any candidates for any election (except City Council elections) or banning the usage of satellite by the parliament.
[50] For example, the rise of Nazi regime in Germany.

It is also important to note that the *minimumal* procedural definition of democracy is capable of crowding out the space for further variety of legal rights. In other words, if outcomes are excluded from calculation, the *minimumal* definition could cause incomplete protection of basic personal freedoms which inevitably concern citizens' liberty and also security. Thus for example, women could be democratically veiled and denied driving licenses or even access to education. Immigrants could be democratically disadvantaged. Of course these are not just theoretical possibilities but tangible, real implications of endorsing a merely minimumal procedure-oriented account of what political democracy can and cannot be expected to contain.

In short, the implementation of a series of democratic procedures within a political system does not provide enough perquisites for becoming a democracy or even approaching a democracy. The birth of the Islamic Republic and its evolution over the past two decades seems to put to the test every modern theory of democratic discourse. The Islamic Revolution surprised and defied most predictions in the course of its development. In other words, the Islamic Revolution possessed such unique qualities and historical particularities that no single theoretical perspective could be applied to it; it required a unique one of its own.[51]

The relevant literature and philosophy of each modern revolution contains diverse and often contradictory notions of how it happened and why it evolved as it did. Such diverse and contradictory socio-economic and cultural elements seem to be the major obstacle to analysing the contemporary political developments. At the same time, these problematic elements are essentials to any understanding of the process. Moreover, there are considerable differences between our case study of Iran and other countries which, so far, have been studied in a classic framework (scientific discourse). However, on one hand, the very ideological and religious nature of the Iranian society differs from its counterparts in the Third World and, on the other hand, its indispensable reliance

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[51] David Menashri, *Post-Revolutionary Politics in Iran, Religion, Society and Power*, Frank Cass Publishers, London, 2001, p.vii.

on oil revenue classifies it alongside other authoritative and rentier states.[52] In other words, alongside political economy there is political culture which plays a significant role in shaping polity whether in favour of a democratic process or against it. As mentioned before, in this thesis we are mainly concerned with the implications of political culture in reaching democracy as the prerequisite of democratisation. However, before engaging with the concept of political culture it is necessary to provide a theoretical account of democracy as a model of governance and its teleological basis that is legitimacy.

1.5. THEORETICAL ASPECTS OF DEMOCRACY

In this research we take as granted that democracy is preferred over its alternatives such as authoritarian and totalitarian types of regimes. Hence, we need to underpin our understanding of democracy as the best pattern, although open to further revision. Nevertheless, it is not an option to study a very broad but crucial concept like democracy without certain principles of methodology. Therefore, we need to review this subject from its purely theoretical aspects to its practical tools and procedures. Beetham describes the concept of democracy as:

> [a] mode of decision-making about collectively binding rules and policies over which the people exercise control, and the most democratic arrangement that where all members of the collectively enjoy effective equal rights to take part in such decision-making directly-one, that is to say, which realises to the greatest conceivable degree the principles of popular control and equality in its exercise.[53]

Jean Grugel argues that democracy can be understood as an ideology, a concept or a theory. It is an ideology in so far as "it embodies a set of political ideas that

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[52] After Saudi Arabia, Iran is the biggest oil producer and still more than 65% of its revenue is gained through selling oil. According to officials, the tax system is one of the most obvious failures of government apparatus.

[53] David Beetham, *The Legitimation of Power*, Basingstoke, Macmillan, 1991, p.103.

detail the best possible form of social organisation".[54] It is also known as the fairest functional manner of extracting and distributing power in the public realm. However, there are two extreme trends evident among supporters of democracy. On the one hand, there are the advocates of a very idealistic interpretation of democracy as the best political system. And on the other hand, there are those who consider the concept of democracy as a decorative measure and a legitimacy-buyer for governing the public. A trace of the latter reading of democracy can be found across developing countries, including the Islamic Republic of Iran.

It is taken for granted that a democracy implies faith in people; to believe that people have inalienable rights to make decisions for themselves and; to be committed to the notion that all people are equal in some fundamental and essential way.[55] However, it is fairly possible that various legal considerations which are mostly driven by religion or tradition imply that the essence of such notions can be employed in contradictory ways. From the scientific discourse point of view, the essence of democracy can be demolished by the contradictory way a particular society conduct itself in practice.[56] A successful attempt to theorise democracy ought to be concerned with any potential philosophical and political disputes which may gradually effect or victimise democracy by processes carried out in its name.

There are two principal types of practice in theorising democracy: direct and representative democracy. The tradition of direct democracy goes back to the Athenian legacy of popular government within a small city state. Basically, direct democracy is meant to ensure democratic rights for the community as a whole. In this regard, it is argued that Marxism as an ideology based on collective action through collective decisions made by the whole population is a developed form of direct democracy.[57] Direct democracy in this tradition is 'rule

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[54] Quoted by Jean Grugel from Mackensie in *Democratisation, A Critical Introduction*, London, Palgrave, 2002, p.12.
[55] Grugel, *Democratisation, A Critical Introduction*, p. 42.
[56] According to the normative principles of democracy the regime of the Islamic Republic was established democratically (Through a general referendum to vote yes) but soon after establishment tended to deprive the people's social and political rights by its legislatures.
[57] Grugel, *Democratization, A Critical Introduction*, p.14.

by the people through referenda'. The people are given the right to pass laws or veto laws. This model cannot be conducted in expanded societies and therefore the normative democratic practices emerged through representative democracy. However, in recent years, due to technological developments by which people can easily and securely express their opinions the idea of direct democracy has regained its merits and is practiced on a large scale.[58]

Alternatively, representative democracy comprises a form of democracy wherein voters can freely and privately choose their representative in a multi-party election to act in their interests. The representatives will possess enough authority to exercise initiatives in the face of changing circumstances. Modern liberal democracies are important examples of representative democracy. This model focuses on the liberal idea of the *individual*, who has the right, but not an obligation, to participate in politics. Therefore, by infusing the traditions of liberalism into democracy, it can then be defined as the prevalent mode of democracy, which could be best served by protecting the autonomy of the individual.[59] At the same time, the liberal brand of representative democracy seeks to justify, but limit, the sovereign power of the state.

In modern societies, however, direct democracy is no longer the case due to the greater size of the population and the complexities of state and civil structures. Instead, the original aspiration towards direct democracy can be traced in participatory democracy, in particular, with the advent of new communication technologies. Some consider that participatory democracy requires the introduction of new voting systems enabling citizens to vote instantly and securely. Such democratic systems would need an appropriate political culture and accompanying techno-political arrangements.[60] In fact, democracy as a model is still undergoing a process of evolution. Thus, as Geraint Parry states "democracy is not a condition which has been achieved, but one which still must be striven for."[61] Moreover, the central feature of any modern society with its unavoidable arrangements, organisations and bureaucracy is the need for

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[58] For example, holding regular referendums on the issue of the EU.
[59] Grugel, *Democratisation*, p. 14.
[60] *Democracy and Democratisation*, (ed.) Geraint Parry and M. Moran, Rutledge, London, 1994, p. 4.
[61] Ibid.

political leadership. And the only way in which it can be governed democratically is through a system of *accountability* which thus seems more practical and productive than mere participation.

Liberal democracy has evolved a satisfactory method of accountability in the form of competitive elections in which rivals for the political leadership campaign for the votes of the electorates. Politics is professionalised and the system is one in which as Schumpeter describes "democracy becomes the rule of politician rather than of the people in any direct sense."[62] Also, politicians make possible some significant choice between packages of policies. Successful leaders gain from the election at least the authority to govern for a period of years.[63] To find out how and why liberal democracy emerged as the prevalent democratic theory in the contemporary era along with considering its strengths and weaknesses, we need to study the empirical theory of democracy. Suffice to say that by analysing the empirical experiments of democracy in the West, the theoretical insufficiencies of liberal democracy as its role model are revealed.

1.5.1. THE EMPIRICAL THEORY OF DEMOCRACY

During last six decades the meaning and the usage of democracy has shifted in a highly significant way. It became a part of the vocabulary of real politics as a way of distinguishing between 'the free world' and the Communist bloc. As a result, democracy was more and more equated with the political arrangements current in Western Europe and the US. Thus, the idea of democracy was exclusively embodied within the liberal or representative form of democracy adopted in the West. To be precise, the implementation of democracy as a particular set of arrangements for government was in exact accordance with the empirical reality of Western governments. As Jean Grugel argues, empirical democratic theorising was bound up with the Cold War and with the need to justify liberal democracy. The negative point of this trend focused on the

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[62] Joseph Alios Schumpeter, *Capitalism, Socialism and Democracy*, Allen and Unwin, London, 1976.
[63] Parry, (ed) *Democracy and Democratisation*, p.5.

benefits of the present political establishments in the West against its perceived rival "Marxism".

More significantly, the empirical theory of democracy was less focused on abstract notions of the 'good society'. Instead, the practice of democratic procedures was the only criterion for most political scientists in naming a political entity democratic or not. However, the rise of behaviouralism radically changed the way in which democracy was understood. According to Arernd Lijphart, democracy was a reality that existed in 'the real world'. Here he was attempting to say that the political systems existing in the US and Western Europe are as real and as ideal as democracies could be expected to be.[64] In other words, he induced the concept of democracy as much as possible to be a "normative" concept rather than a "descriptive" one. In the following passage Dahl delicately describes the difference between descriptive and normative understandings of democracy:

> One way [to define democracy]… is to specify a set of goals to be maximised; democracy can then be defined in terms of the specific governmental process necessary to maximise these goals… A second way [which] might be called the descriptive method, is to consider as a single class phenomena [of] all those nation states and social organisations that are commonly called democratic by political scientists and… discover first the necessary and sufficient conditions they have in common and second, the necessary and sufficient conditions for social organizations possessing these characteristics.[65]

Behaviouralists worked in the second way, attempting to justify the normative tradition of democracy which resulted in the empirical theory of democracy. Schumpeter conceived democracy as a form of government and in particular as a

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[64] Arend Lijphart, *Democracies Patterns of Majoritarian and Consensus Governments in Twenty-one Century*, New Heaven, Yale University Press, 1984, p.48.
[65] Robert A Dahl, *A Preface to Democratic Theory*, Chicago, University of Chicago Press, 1956, p.63.

mechanism for the election of leaders.[66] He emphasised the importance of limiting popular expectations of the democratic system. Schumpeter's crucial approach was an assumption that the majority of the population could not be entrusted with the important task of decision-making.[67] In other words, democracy became a way of institutionalising competition for power.[68] Thus, according to Schumpeter the focus is on the conditions that would apparently allow an intensive competition between elites. To provide such conditions, the following are required: high quality leadership in political parties; autonomy of political elites from the state; an independent bureaucracy; an opposition and civil society that accept the rules of the game; and a political culture of tolerance and compromise.

In contrast, Dahl pioneered a different approach. He tried to be careful not to confuse the practices within actually existing democracies with 'democracy' as a political ideal. Alternatively, he suggested the use of the term 'polyarchy' since he recognised there were conditions for an ideal democracy which the Western democracies could not meet. Of course, the institutions of polyarchy are practically more desirable than authoritarianism where even political competition and the least accountability are not exercised. Put simply, the institutions of polyarchy are based on a combination of elected government and civil liberties which should secure access of different groups in society to the political system.[69] In short, Dahl counted the following factors as main institutions of a polyarchy:

- the election of government officials
- free and fair elections
- an inclusive suffrage
- the right of all citizens to run for public office
- freedom of expression
- citizens have a right to sources of information other than official ones

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[66] Joseph A Schumpeter, *Capitalism, Socialism and Democracy*, London, Routledge, 1994, p.34.
[67] Ibid. p.79.
[68] *Democracy's Value*, (ed.) Ian Shapiro and Casiano Hacker-Cordon, Cambridge, Cambridge University Press, 1999, p.4.
[69] Dahl, *A Preface to Democratic Theory*, p.105.

- associational autonomy, and the right to form independent associations or organisations, including political parties and interest groups

An overall view of the above list indicates that we can characterise most of the current democracies as 'polyarchy', instead of real 'democracy'. In summary, Schumpeter regards existing democracy in the West as evidence for the empirical theory of democracy, whereas Dahl admits the insufficiency of Western democracy but ultimately accepts it as enhanced over authoritarianism. Thus, the point would be that the importance of "procedure" in any democratic government will automatically compromise the essentiality of "concept" and "principals". More explicitly, the normative interpretation of democratic government which is acknowledged by empirical theory tends to embrace rather functionalist results and is predicted on continuity of state sovereignty over the nation. The goal of democracy could ultimately be sacrificed in this way.

For a time the empirical theory of democracy proved useful both to academics working within the behavourialist tradition and to Western policy-makers. But the empirical theory falsely assumed that "pluralism" has been established within Western societies and governments and that their main goal is to preserve this plurality. This occurred by ignoring the great impact of "capitalism" on Western politics and societies. In other words, empirical theory disregards the structural privileges which have been generated and maintained by capitalism. These structural privileges evolved through an unequal distribution of power and disproportionate financial possessions and wealth within society.

Hidden or structural privileges prevent a level playing field, as individuals and groups cannot compete equally for access to government, as pluralistic assumptions urge. Subsequently, neo-pluralists like Charles Lindblom diagnosed the structural power of capital or of business over decision-making as a violation of the very principle of democracy.[70] Understanding the structure of power in any society can explain why policy-making is not democratic despite having regular free and fair general elections. In other words, non-democratic elements

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[70] Charles E Lindblom, *Politics and Markets, World's Political Economic Systems*, New York, Basic Books, 1977, p. 84.

form a kind of polity, although unelected, unrepresentative and unaccountable, and play a key role over and above government and parliament.[71]

Moreover, empirical democratic theory only promotes an electoralist or procedural interpretation of democracy. In other words, it concentrates on the observable behaviour of political actors and thereby ignores the role of hidden structures of power such as cultural dimensions and practices which shape political activity on the ground. As a result, it provides an inappropriate model for the analysis of politics in the developing countries. In particular, empirical democratic theory misses the political reality behind the formal and observable structures of government. This can lead to the assumption that systems are democratic because elections are regularly held, and parties can freely act under the guarantee of the constitution. Yet the majority of population are excluded from decision-making and some are even repressed.

A further problem for empirical theory is its prescriptive attitude towards developing countries which are supposed to follow the Western path in reaching democracy. Basically, it is a false aspiration to expect that all societies ought to follow the model that U.S. or Western countries have developed. In addition, empirical democratic theory fails to address how economic resources or even the lack of them affect the operation of the political system. In fact, empirical democracy (including liberal democracy) offers few propositions in regard to socio-economic issues or other forms of structural inequalities either within state or globally, simply because it assumes that they are not very important for the exercise of citizenship and therefore in upholding democracy. In addition, the experience of Third World and developing countries suggests that equal citizenship cannot be established alongside extreme income inequalities.[72]

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[71]Like the critical role and influence of multi-billionaires in any society.
[72]Grugel, *Democratization*, p22.

1.5.2. LIBERAL DEMOCRACY

Liberal democracy is regarded as the dominant interpretation of democratic theories during the second half of the twentieth century. Almost all well-known practical democracies adopted its strengths in their structure and mandate and benefited from it. In the field of theorists, Francis Fukuyama is a great advocate of liberal democracy. In his famous book, *End of History*, he argued that Western liberal democracy has become "the final form of human government."[73] Of course, such a concrete judgement can be attributed to the collapse of the Soviet Union in the early 1990s. But Fukuyama's straightforward admiration for liberal democracy yielded a much needed frame on which to scrutinise the advantages and disadvantages of the liberal version of democracy.

However, at present, liberal democracy echoes two separate concepts: one could be defined as the historical tradition of liberal democracy which goes back to the 19th century. In fact, modernity and its benefit to humanity owes so much to the concept of liberalism or enlightenment as it paved the way for contemporary thoughts on private possession, the freedom of individuals and, more significantly, the separation of religion from the state. The second concept could be called the contemporary political paradigm of liberal democracy; a method of ruling the nation by the state. John Stuart Mill is renowned for his theories and contribution in classifying the ethos of liberal democracy. In his famous writing *On Liberty and Consideration on Representative Government*, he sets out what is often seen as the first systematic explication and defence of liberal democracy. He says:

> In the past, as many observed, tyranny was something experienced by the majority of a nation's people at the hands of a minority so there was no danger of the majority tyrannizing over itself. But with the emergence of large democratic nations (like the US) a need was created for people to limit their power over themselves.[74]

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[73] Francis Fukuyama, *The End of History and the Last Man*, London, Penguin, 1992, p. xi.
[74] *J.S. Mill On Liberty in Focus*, (ed.) J. Gray and G.W. Smith, London, Routledge, 1991, p.7.

Thus, the aim of *On Liberty* was to identify the principles in accord with which the people should secure this limitation. In short, Mill claims, "the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good is not a sufficient warrant."[75] In other words, "it is a command against government paternalism as well as against overt tyranny. In fact, it favours what is often now called the pluralist mandate that citizens ought as far as possible to be able to pursue what they see as their own goods and in their own ways."[76]

Principally, Mill lists the most important liberties to protect, namely freedom of conscience, thought and feeling, holding and expressing opinions, pursuing one's life plans, and combining with others for any (not malicious) purpose. Because these liberties typically and directly affect only those who enjoy them,[77] people should be exempt from interference, paternalistic or otherwise, by others and especially by the state, including the democratic state.[78] Mill prescribes less detail on how the liberties are to be safeguarded, but it is clear that in general he thought there should be areas of citizens' lives free of state regulation and legal limits on what even a democratically mandated government can legislate. To this end, he stresses on the "preservation of a distinction between private and public life and the rule of law."[79] Moreover, regarding democracy, Mill prescribes the direct citizen's participation in the affairs of government, so that "people in this way be able to develop intellectual talents, communal and moral values. However, since direct participation is unfeasible in a large society, Mill thought that the ideal type of a perfect government must be a representative government."[80]

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[75] Ibid, p.14.
[76] Ibid, p.17.
[77] Here is the fundamental difference with prevailed interpretation of Islamic thought. That is, the matter is not to enjoy, but the duty.
[78] *J.S. Mill On Liberty in Focus*, (ed.) J. Gray and G.W. Smith, p. 16-17.
[79] Ibid.
[80] Ibid, p.256.

1.5.3. ALTERNATIVES TO LIBERAL DEMOCRACY

As explained before, the theory of empirical democracy has shown some deficiencies through its implementation. In fact, the inbuilt inability of empirical democracy to address social issues has provoked an intellectual problem with this theory.[81] This led to a focus on the failures and problems with liberal democracy, which is arguably the best result of empirical democracy theory. The intimate focusing of liberal democratic theorising with the West and its defensive stance towards capitalism caused an interest in exploring alternative approaches to democracy. The result was a renewed interest in democracy as a vehicle for human emancipation and as a means for promoting the good of the community as a whole, rather than purely the individual. Since the 1960s, along with building new master theories in political science, new theories of democracy have also emerged. These include participatory democracy, feminism, associationalism, citizenship theories, and cosmopolitanism. In fact, all deliberately suggest the notion of democracy as a utopian project and attempt to draw in different ways on the traditions of communitarianism.[82]

1.5.3.1. PARTICIPATORY DEMOCRACY

To challenge the myth that there is only one classical theory of democracy as liberal democracy, some scholars like Pateman (1970) suggested an alternative, participatory theory of democracy. Participatory theory starts from an assumption about the importance of freedom and activism and a belief that the existence of voting rights and alteration in government does not guarantee the existence of democracy *per se*. This theory envisages democracy through the development of reciprocal relations of trust between individuals. C.B. Macpherson distinguished the category of participatory democracy in contrast to

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[81] For example, liberal democracy pays scant attention to issues like social justice, equal economic opportunities, etc.
[82] Grugel, *Democratisation*, p.23.

what was known as the Schumpeterian model of democracy and its negative view of humanity.[83]

The grass root of such a model of democracy comes from the New Left in Europe and the student movements of the 1960s and 1970s. Despite the fact that participatory theory is characterized by a highly ambiguous view of the state, it does not reject the role of the state at the end of the day. This theory emerged against the vast and comprehensive role of the state after the World War II, when the main stream of Western government was advocating and pursuing statism and welfarism. These trends tended to mute the individual's and the community's initiatives.[84] In reality, the problem with participatory democracy is that it is impossible to apply this theory to as large a community as the nation state. In other words, the virtues of participatory democracy would very clear on a small scale such as city councils and regional governments, but its capability to deal with nationwide issues is in doubt. Macpherson, who is one of the first proponents of participatory democracy, recognized this failure by stating:

> Not how to run it but how to reach it…. What roadblocks have to be removed i.e. what changes in our present society and the now prevailing ideology are prerequisite or co-requisite conditions for reaching participatory democracy? ... One is a change in people's consciousness (or unconsciousness) from seeing themselves and acting as exercisers and enjoyers of the exertion and development of their own capacities. This is requisite not only to the emergence but also to the operation of a participatory democracy. The operation of a participatory democracy would require a stronger sense of community than now prevails. The other prerequisite is a great reduction of the present social and economic inequality, since that inequality … requires a non-participatory political system to hold the society together. And as long as inequality is accepted, the non-

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[83] C.B. Macpherson, *The Life and Times of Liberal Democracy*, Oxford, Oxford University Press, 1977, p.43.
[84] Grugel, *Democratisation,* p.21.

> participatory political system is also likely to be accepted by all those in classes who prefer stability to the prospect of complete social breakdown.[85]

Participatory democracy would see citizens enshrine and amend their constitution, form policy and shape their laws and priorities. In practice, politicians have a role to play: the implementation of policy. The ultimate and unassailable power to form policy, however, lies in the hands of citizens. The degree to which citizens shape the constitution, table or veto legislation and set budget and social priorities is directly aligned with the degree to which they choose to involve themselves, rather than with the good graces of the politicians whom they elect to serve their interests. In such a system, the balance of power shifts decisively away from political actors, who in the purely representative form of government have complete control over constitution, legislative agenda and community priorities, and is given back to the democratic wellspring – the citizen – where it truly belongs.

Participative democracy comes in many shapes and forms and may be applied to any level of government. Some would argue that participatory democracy is a more comprehensive form of "direct democracy" or "deliberative democracy". Yet no single form epitomises "participative democracy" just as, for instance, neither parliamentary democracy nor the US congressional system fully embodies "representative democracy". They can be seen as just different expressions of attempted representative democracy. Any resemblance between representative and participative democracy ends here, as for representative democracy, it has practically rejected the delicate issue of seriously expanding citizen powers. In modern societies, in fact, we are faced with a "representative political class" made remote by the structure of representative democracy itself. This class at best finds itself split between the needs of its community and the strictures of party policy.

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[85] Macpherson, *The Life and Times of Liberal Democracy*, p.93.

1.5.3.2. ASSOCIATIONALISM

The concentration of economic power in large corporations and the concentration of social welfare and social control in large bureaucracies act against the dispersal of social power and influence that liberal democratic theorists have seen as essential to the preservation of liberty. The sphere of civil society and secondary associations shrinks in the face of bodies that are in effect compulsory (one has to seek work, and large bureaucracies amount to a significant share of the labour force; the unemployed are subject to welfare tutelage) and which are not open to the social and political influence of the average citizen.[86]

Associationalism could be defined as a link between liberal democracy and participatory democracy, the two classical theories of democratic government. Paul Hirst also argues that associationalism offers a more democratic system than the present one for advanced capitalist societies.[87] He is concerned about the failure of the state to protect working people and the poor. Given the nature of capitalist bias of Western states, and the decline in the state's capacity to provide welfare, he suggests building upon the traditions of associationalism within the nineteenth century working-class movement. In order to gain the goals of associationalism, liberty and human welfare, the best reasonable way is through voluntary and self-governing associations.

The main threats to liberal democratic society are no longer external and well-organised, but internal and diffuse. They include the threats of crime, poverty and drug addiction, none of which centralised bureaucracies handle very well. Hirst thinks that these problems are mainly the result of the failure of full employment strategies and also of collectivised welfare systems. A society is being created of permanent "haves" and "have nots", with unpleasant results for general living conditions. Under such conditions, associationalism offers great potential. Hirst argues that committed "haves" must build well funded and

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[86] Paul Q. Hirst, *Associative Democracy: New Forms of Economic and Social Governance*, Cambridge, Polity, 1994, p.112.
[87] Paul Q. Hirst, *From Statism to Pluralism: Democracy, Civil Society and Global Politics*, London, UCL Press, 1997, p.39.

effective voluntary associations in partnership with the poor and excluded. The poor will thus be helped to organise themselves, which is the only way, according to Hirst, that the slums will be transformed and social decline halted.[88]

Hirst also argues that certain political and economic conditions have changed in Western states and that this makes a revival of associationalism appropriate at the present time. According to Hirst, the associationalists of the nineteenth and early twentieth centuries failed, not because their ideas were inherently impractical, but because under the political conditions of the time they could not compete with collectivist and centralist tendencies. The pressure toward centralisation was intense as states prepared for major wars. Labour movements were also impelled toward statism (state direction of the economy). But conditions have changed in the latter part of the century. The collapse of the Soviet Union means that Western states no longer face the external threat of major military competitors, while the internal threat of class war seems to have ended. There also appears to be less scope for the centralised management of the economy that these states have continuously employed since the Second World War to sustain economic development. Implicit here is the limits that globalisation places on state economic management. Manufacturing, meanwhile, is no longer characterised by the huge centralised organisations of "Fordist" mass production. In other words, firms are smaller, less hierarchical, more flexible and this means they require less concentration of administration.

Associationalism gives priority to freedom in its scale of values, but suggests that freedom can only be pursued effectively if individuals participate in the community. Therefore, the main claim of associationalism is that associational democracy is a remedy of for the malaise of post-industrial societies and the deep dissatisfaction with their economic performance.[89] In fact, it could be interpreted as a renewal of Western democracy, which has been reduced to "choosing and legitimising the rulers of the big governmental machine that is out of control".[90] The problem with associationalism lies on whether this could be of

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[88] Ibid, p.41.
[89] Grugel, *Democratisation*, p.26.
[90] Hirst, *From Statism to Pluralism*, p.42.

any assistance to developing societies or not. In other words, it has originally been envisaged to re-correct the roadblocks of advanced democracies and obviously would be inappropriate to apply for new comers to democratic category.

Given certain conditions, Hirst argues, voluntary relationships (I.e. NGOs) will be superior to bureaucracies. He claims that, where they are properly funded and supported by the right kinds of laws and institutions, voluntary organisations are very tenacious and effective. Bureaucracies, on the other hand, are "fragile and rigid", easily losing impetus and spirit when crises occur. To demonstrate his point, Hirst uses the examples of the British trade union movement and the British health and welfare systems, with their bureaucratised, top-down organisational style. Such management, he says, is the enemy of true welfare, health and education. The political lesson he draws is that it does not matter whether power is in the hands of the extreme left or the radical right. If state institutions have concentrated power the result is the same.

He also stipulates that Associationalism demands a change of thinking about voluntary associations in modern democratic theory. According to him, "Voluntary associations are usually regarded as the 'cement' of civil society that holds the liberal democratic state together."[91] A liberal democratic state is, in other words, a pluralist state (that is, power is distributed across many different interest groups), and voluntary associations are both the result and the condition of this pluralism. They are, in this view, *secondary* associations, subordinate to the dominant power of the state and perhaps of the corporate business world. Hirst, however, wants to reverse this priority and make voluntary self-governing associations the *primary means* of organising socio-political life.

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[91] Hirst, *From Statism to Pluralism*, p.43.

1.5.3.3. CITIZENSHIP

The Citizenship theory of democracy is based on the renewed interest in civil society in politics. The main stress would be on the importance of political culture, civic virtue, the network of associations within and across societies and the significant role of contestation in the practice of democracy. According to a classic definition of civil society that goes back to the nineteenth century, it was used to:

> [I]mply a form of universal citizenship within the nation-state based on the one hand on the principle of individualism and on the other on the participation of those individuals in public life, a participation that was in turn based on mutuality of citizens in the form of compacts, contracts and the moral, economic, social and political ties binding those individuals.[92]

However, in the past, access to citizenship was severely limited for women and working-class men. Therefore, civil society was used to express an artificial network of relationships which were based on domination and exclusion and a set of values about the need for incorporation. But today, the concept of civil society has been extended to become a functional tool for measuring and analysing of associations, networks, agencies and resistance to the state.[93] In other words, citizenship theory draws attention on social associations and agencies in order to equally distribute access to private and public choices.

In order to have a civil society, the private and public spheres must be legitimately separated from one another, which totalitarian and fundamentalist (religiously biased) states have always denied. Both fundamentalist and totalitarian states by their nature cannot value independence of thought, action or expression, and in fact tend to suppress them. These regimes assume that an active civil society could be nothing more than a breeding ground for dissent that

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[92] Linda J. Seligman, *Between Reform and Revolution: Political Struggle*, Stanford, Stanford University Press, 1995, p.111.

[93] See Vaslav Havel, *The Art of Impossible: Politics as Morality in Practice: Speeches and Writings1990-1996*, translated from the Czech by Paul Wilson, [et al], New York, Knopf, 1997.

would threaten the stability of the all-powerful state. It might be thought, then, that the historical triumph of liberal democracy over its fascist and communist rivals has demonstrated not only its superiority to both, but also the health of civil society in Western nations. Ironically, the collapse of communism in the East coincided with a new questioning of the state of health of democracy in the West. Some writers have argued further that it is precisely in the civil sphere that problems are most apparent.

Certainly, advocates of liberalism have always stressed the individual's social and economic liberty rather than voluntary association as the fundamental value. These liberals have tended to dismiss those who have argued for more communitarian values as sentimental dreamers. At the same time, the growth of both big business and government has led to an increasing centralisation of economic and political power. Although liberal governments have never aspired to totalitarian goals, the centralisation of governmental power has left few self-governing responsibilities to the average individual, whether alone or in voluntary association with others. Even as the welfare responsibilities of the state have increased, they have tended to emphasise individual dependency on the central agencies rather than the kind of voluntary self-help solutions associated with civil society.

Within citizenship and civil society approaches there is a divide between theorists who see citizenship as an eminently political affair, and those who are in favour of understanding citizenship as a social and economic instrument made by public oriented individuals. In essence, today's theory of citizenship does not only imply a citizen's rights in reacting towards political and social affairs, but also emphasises being pro-active in all imaginable aspects of political and social life. This development can be better understood within the framework of current globalisation processes through which the role of individuals and non-state actors are enhanced. However, an independent debate on civil society will be addressed later on in the democratisation section.

1.5.3.4. COSMOPOLITANISM AND DEMOCRACY

The word "cosmopolitan", which derives from the Greek word KOSMOPOLITÊS (citizen of the world), has been used to describe a wide variety of important views in moral and socio-political philosophy. The imprecise core shared by all cosmopolitan views is the idea that all human beings, regardless of their political affiliation, do (or at least can) belong to a single community, and that this community should be cultivated. Different versions of cosmopolitanism envision this community in different ways, some focusing on political institutions, others on moral norms or relationships, and still others focusing on shared markets or forms of cultural expression. The philosophical interest in cosmopolitanism lies in its challenge to commonly recognized attachments to fellow-citizens, the local state, parochially shared cultures, and the like.

It is thought that the original source of democracy lies in civil society, rather than the state. In other words, according to cosmopolitanism, the state is gradually becoming defective or simply evaporating under pressure from globalisation, whereas there has been a rapidity expanding and significant role for non-state actors in national and international politics. As a result, the capacity of the state to encounter daily challenging dilemmas is being reduced and affected by outsider entities, such as international organisations and multi-national companies. Even sceptics of globalisation now recognize that state and citizens are inevitably affected by decisions outside their own nation state. It is from this point of view that the theory of cosmopolitan democracy has emerged.

The real arena of cosmopolitan democracy, then, is the process of globalisation, or increased interconnectedness between states and citizens along with the strengthening and deepening of links between institutions, social organisations and citizens.[94] To this end, David Held views cosmopolitanism as a number of disjunctures (structural overlapping)[95] in the world order. He argues that the first and perhaps the most directly significant is the disjuncture between the formal

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[94] *Giddens' Theory of Structuration: A Critical Appreciation*, (ed) Christopher G.A. Bryant and David Held London, Routledge, 1991, p. 95.

[95] Based on neo-liberalism theories of International Relations, the monopoly of only state-actor ear has finished.

authority of states to manage economic policy-making inside national territories and their actual capacity to do so, given that the main players in the global economy are no longer either states themselves or organisations within the control of states. They are multi-national corporations (MNCs), and controlling financial capital which is not tied to any particular state formation.[96]

The point is that MNCs and financial capital holders not only control the production of wealth but also organise the routes through which the wealth, knowledge and technology are created and co-ordinated. The second disjuncture is the vast array of international regimes and organisations that have been established to manage whole areas of trans-national activities (trade, transportation, access to and exploitation of the seas and oceans and so on) and collective policy problems. This caused considerable changes in the decision-making structures of world politics and a shift away from state control towards 'new and novel forms of geo-governance'.[97] Thirdly, international law is becoming more developed and powerful in order to challenge the sovereign immunity of the state. Finally, globalisation undermines the hegemony of what is called "an autonomous culture centre".[98]

Accordingly, the above mentioned factors lead to the reduction of state control over various issues dominated by the state hitherto. This would be seen as a move forward to global democracy. However, the factual evidence of today's world reflects a different story, as disorder and unlawful activities all around the globe (such as international terrorism, human and drug trafficking, and so on) rigorously threaten such ideals. Therefore, it seems unrealistic to undermine even further the role of the state without having an established suitable substitute for it. To this point, some scholars suggest a global democratic authority in charge of present major problems within the international community. Again, this sounds idealistic and out of touch, at least in the near future. Nonetheless, drastic differences between governments, both in their structural and functional

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[96] David Held, *Models of Democracy*, Cambridge, Polity Press, 1996, p. 343.
[97] Held, *Models of Democracy*, p. 345-7.
[98] Ibid, p.29

level across the world affect their ability to contribute to such a democratic global authority.

Before prescribing or even foreseeing that the globalisation of states is a tendency which will soon overcome national sovereignty, we must ask how still the concept and procedure of a globalised democracy could be accommodated. Many doubts have been expressed about the "hyper globalisation thesis" the idea that globalisation leads ineluctably to the collapse of the state.[99] The current preoccupation with globalisation and the fading of the state has even been attributed to changes in the global ideological climate, rather than material changes in the distribution of political and economic resources away from states, and the growing hegemony of free-market liberalism (ideology).[100]

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[99] Paul Hirst and Graham Thompson, *Globalisation in Question: The International Economy and the Possibilities of Governance*, Cambridge, Polity Press, 1996, p. 24.
[100] *Aspect of Statehood and institutionalism in Contemporary Europe*, (ed) Malcolm D. Evans, Aldershot, Dartmouth, 1997, p. 67.

1.6. LEGITIMACY AND PARTICIPATION

The concept of political legitimacy is no longer a mere academic issue between thinkers, but a crucial element of stability in any political order. There is a linear causal relation between legitimacy and democracy. Rationally, a democratic political system is legitimate and vice-versa. In fact, the essence of empirical democratic theory is based on a stable democracy that requires a belief in the legitimacy of democracy. Diamond says: "the growth of this belief and behavioural commitment is the defining feature of a consolidation process."[101] Preferably, this belief should be held at two levels: as a general principle that democracy is the best or the least bad form of government possible; and as an evaluation of one's own country's democratic regime; that in spite of its failures and shortcomings, it is better than any non-democratic regime that might be established.[102] Both of these approaches, particularly the latter, are relative judgments compared with most known alternatives. In other words, recent experiences with alternative regimes can powerfully shape the readiness of the public to embrace the legitimacy of democracy, not necessarily as an ideal form of government but as preferable to any other system that has been tried.[103]

However, it is sometimes assumed that popular legitimacy could be known as the core component of democratic consolidation. Also, mass-level survey data on popular support for democracy would provide tangible measures of progress towards democratic consolidation. Spain, Greece and Portugal were not only the first-comers to democracy in the 1970s, but were also the first to become consolidated. Many surveys show that these three traditional, authoritarian European countries developed political culture that was highly supportive for democracy. Equally significantly, being geographically adjacent to democratic Europe undoubtedly facilitated and prompted their integration into democratic circle. This privilege therefore worked to benefit them both economically and culturally.

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[101] Larry Diamond, *Developing Democracy towards Consolidation*, p.217.
[102] The *Breakdown of Democratic Regimes*, Juan J. Linz and Alfred Stephan (ed.), Baltimore, Johns Hopkins University, 1978, p. 16.
[103] *Democracy and Its Alternatives, Understanding Post-Communist Societies*, Richard Rose, William Mishler [et al], Oxford Polity Press, 1998, p.65.

On the other hand, the debate about legitimacy up until recently has had a different meaning and aim in religious societies, particularly in Muslim societies. Thus, when we talk about legitimacy in societies where religion, in particular Islam, has a strong influence, we must take into consideration what legitimacy means for that particular society. Ironically, the term legitimacy has an astonishing translation in Persian: *mashru'iat* which originally is an Arabic word. It comes from the adjective *mashru'* which means issues approved by Islamic law (*Shari'a*). As a result, even linguistically, the meaning of legitimacy for Persian speakers conveys a religious context. In other words, *mashru'* means that whatever is approved by the Islamic law (*Shari'a*) is legitimate and vice versa. The result of this simple but essential finding draws our attention to the political culture in these societies and the importance of all-encompassing education.

In principle, the major elements of legitimacy in a deeply religious society are far from what they are in a secular one. It is not considered an outrage in a religious society to claim that *divine will* is the only source of legitimacy and this will ultimately prevail, as the preamble and Article 4 of the Constitution of Islamic Republic of Iran stipulates. In this light, the paradoxical episode of the 1979 Revolution is understandable. It stemmed from a mass mobilisation to topple a monarchy and replace it with an Islamic phenomenon which bears the title of republic. According to scientific discourse, through a democratic vote a theocracy was established and benefited from the people's consent.[104] Surprisingly, the contrast is more vivid when the main driver of this social movement was a thirst for freedom.[105]

Therefore, it is important to distinguish what legitimacy means in different societies. As said before, the debate needs to be broadened with linguistic and hermeneutic interpretations of legitimate rule in mind. The need for a supportive political culture in Muslim societies is not only necessary to consolidate democracy, but also essential to initiate democracy in the first place. To reach

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[104] In the Islamic Republic, people's consent is not essential but gives an advantage. Quoted by Asgar Owladi, Director of *Mu'talifah* Party in weekly *Shoma*, Tehran, No. 65, December 22, 1997

[105] It was the most prominent slogan of demonstrators during the 1979 street unrest: 'Independence, Freedom, and Islamic Republic.'

this unconditional stage for democracy, the delicate subject of relations between governance and religion should be thoroughly examined by all major political (or political thinker) and religious groups and associations. We will explain the case of Muslim interpretation of democracy and legitimacy in the next chapter

1.7. DEMOCRATISATION

As mentioned above, there are several current interpretations in political scholarship which might configure a sustainable model of democracy. As a result when given these divergent models, diverse forms of democratisation will emerge. Disagreement on the shape and boundaries of democracy comes not only from its opponents, but from its proponents, and is constantly open to further scrutiny and error-finding through its implementation. Diversity and differences of interpretations cannot exceed a certain level as this would undermine its universality and applicability as a coherent concept. The same plurality can be applied to democratisation process as the path of implementing a sustainable democracy. Therefore, as Whitehead describes "if democracy itself is to be viewed as both a contextually variable and a deontological concept, then democratisation cannot be defined by some fixed and timeless objective criterion."[106]

Before beginning our discussion on the epistemology of the democratisation process it is necessary to broaden our criterion of the spectrum where democratisation can be situated. In other words, the hasty pace of social changes can overcome routine procedural shifts and establish a democratic paradigm. For example, the simple two turnover test says that "a democratisation begins with the exit of an authoritarian regime and ends after competitive elections have given rise to two successive peaceful transfers of government between

[106] Whitehead, *Democratization Theory and Experience*, p. 26.

contending parties".[107] Of course, this minimalist definition embraces a wide range of political transitions.

Therefore, by applying this test it is not clear when South Africa reached the point of democracy.[108] Equally, Colombia, Sri Lanka and Venezuela would have qualified by the 1960s, notwithstanding the obvious evidence that thereafter many major tasks of democratic construction remained to be tackled. Significantly in Iran, after the landslide election of President Khatami and the forthcoming sixth Majlis with reformists in a majority many believed that the democratisation process has been accomplished. However, the reality of domestic skirmishing showed otherwise. Hence as an alternative, it has been argued that democratisation is complete when all significant political actors accept (with good will or ill) that the electoral process has become "the only game in town" for reallocating public office.

Considering this criterion, for example we can again pose the question when or whether democratisation was complete in Spain during the 1970s. Whitehead elaborately raises the following questions to challenge the implementation of democracy in Spain: "Are the Basque separatists a significant political actor? If yes, why cannot they be involved in the political process and be disarmed? If not, what kind of democracy is that when such groups with certain public appeal in their areas are unable to be engaged with the government?"[109] Initial studies of democratisation in the 1970s and 1980s held that the meaning of democratisation was self-evident. In other words, it simply meant a transformation of the political system from non-democracy towards accountable and representative government. Basically, these studies adopted a process-oriented approach, concentrating on identifying the mechanisms or paths that lead to democratisation. [110]

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[107] Ibid, p.32.
[108] There were consistent democratic elections, but with exclusion of black people which made the whole process nonsense.
[109] Whitehead, *Democratisation: Theory and Experience*, p.41.
[110] Grugel, *Democratisation,* p. 3.

Accordingly, Stepan identified eight distinctive paths leading to the end of authoritarianism and the onset of democratisation. These are set out below:

TABLE: 1 METHODS OF DEMOCRATISATION

Internal restoration after external re-conquest	Netherlands, Belgium, Norway and Denmark(all after 1945)*
Internal reformulation	France (after 1945)
Externally monitored installation	West Germany and Japan (after 1945)
Democratisation initiated from within authoritarian regime	Spain (1977), Brazil (1982), Portugal (1974)
Society-led termination of the authoritarian regime	Argentina (1969) Peru (1977)
Party pact	Colombia (1958) Venezuela(1958)
Organized violent revolt (led by democratic parties)	Costa Rica (1984)
Marxist-led revolutionary war	Nicaragua (1979)

*According to the current *implant democratisation wave*, the US government would add Afghanistan and Iraq to this category.

Source: *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, (ed.) Alfred Stepan and Juan Jose, Baltimore, Johns Hopkins University Press, 1996, p. 13.

As Stepan's list shows, the emphasis is on the procedural factors in the main criterion of examining whether the democratisation process in different ways has been exercised or not. Notwithstanding, bi-polar international politics has had its own influence on how the democratisation process has been perceived and of how it ought to be practiced. The profound change that world politics has undergone since the collapse of the Soviet Union in 1991 has created a different environment of understanding. Indeed, the effect of removing the communist threat from the international scene boosted the emergence of alternatives to pure liberal democracy. For instance, New Labour in Britain benefited from this healthy environment and opened a new front of social democracy in the heart of liberalism.

Accordingly, the recent wave of democratisation can be seen more or less as collaboration between the Western bloc and its allies in the developing countries (core-periphery aspect). During the third wave of democratisation it became evident that although a few countries made the transition to democracy successfully, some collapsed and many others failed and remained in the category of problematic democracies.[111] Consequently, academic interest shifted towards identifying those factors that make new democracies more solid and stable. This involved the consolidation of democracy as a principle focus. There was a transformation of primary interest in "structure" and "agency"[112] and their respective roles in causations towards a focus on how political culture, political economy and institutionalism characterise outcomes.[113]

In contrast with the procedural definition of democratisation, it is now preferable to develop and explore the issue of democratisation in a more interpretive approach rather than concentrating on mere procedural factors. As said earlier, the previous paradigm of democratisation is no longer sufficient to answer the new dilemmas of the globalisation era. Whitehead redefines democratisation as follows: "Democratisation is best understood as a complex, long-term, dynamic, and open-ended process. It consists of progress towards a more rule-based, more consensual and more participatory type of politics."[114] Democratisation like democracy, necessarily involves a combination of fact and value, and so contains internal tension. In short, the main dispute is between those who insist on a minimal definition of democracy as a satisfactory level of democratic implementation and those who argue that democracy implies not only the afore mentioned procedures for government, entails substantive rights and tasks. The difference between minimal (or formal) and substantial democracy is captured by Vejvoda:

> Formal democracy is a set of rules, procedures and institutions… substantive democracy [is] a process that has to

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[111] For example, Argentina.
[112] See *Giddens' Theory of Structuration: a Critical Appreciation*, (ed) Christopher G.A. Brayant, David Jary, London, Routledge, 1991.
[113] Stepan, *Problems of Democratic*, (ed.) p. 28.
[114] Whitehead, *Developing Democracies*, p. 37.

> be continually reproduced, a way of regulating power relations in such a way as to maximise the opportunities for individuals to influence the conditions in which they live, to participate in and influence debates about the key decisions which affect society.[115]

Grugel argues that it seems sometimes there are "recipes" for successful democratisation, as if it were somehow possible to choose paths to, or models of, democracy from a menu of options whereas democratisation is a slow and painful task.[116] Structural factors (i.e. extreme socio-economic imbalance, gender inequality), frequently impede the deepening of democratisation, and globalisation can be as much an obstacle as an assistance. Therefore, it is not surprising if the number of successful democratisations is outweighed by either failed or stalled experiments. In other words, neat theories of democratisations differ from the real world experiences of partial, ambiguous, fuzzy and also disappointing democratisations.[117] However, in assessing the project of democratisation in various conditions, it is appropriate to regard it practically rather than persistently focusing on an idealistic approach.

Since 1974, when the Portuguese dictatorship was removed, the number of democracies in the world has multiplied significantly. Before this time, there were about forty democracies. This number increased moderately through the late 1970s and early 1980s as several states experienced transitions from authoritarian rule to apparently democratic rule. By the end of 1980s, along with the collapse of the Soviet Union, the pace of global democratisation accelerated markedly. As a result, by the end of 1995, there were as many as 117

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[115] Ivan Vejvoda in *Democratisation in Central and Eastern Europe*, (ed.) Mary Kaldor and Ivan Vejvoda, London, Pinter, 1999, p. 117.
[116] Grugel, Democratisation, p.1.
[117] Ibid, p.1-3.

democracies or as few as 76, depending on how one assesses and counts them.[118] Samuel Huntington named this post-1974 period the third wave of global democratic expansion and showed the central importance of regional and international democratisation effects.[119]

How to perceive democracy is as crucial as ever. This perception is an essential influence on whether we can call self-declared democracies democratic or not. No doubt, holding elections or toppling one authoritarian regime and replacing it with another one, even with massive popular support, does not entitle any regime to join the democratic club. Huntington refers to the removal of military regimes as a vividly important dawn of third wave democratisation, but he reluctantly by-passes the rationale behind such a move. He argues that this development occurred only because of the rapid emergence of democratic discourse, but in fact it was by wide socio-economic alteration at a national and super-national level which led these countries to commence the democratisation process. In other words, the old political system was no longer capable of coping with the increasing pace of change in socio-economic structures and was to be exposed and dismantled.

Modern democracy can be seen as the result of a gradual but profound development in political thought. Its gradual flourishing across the globe since the nineteenth century has proved its capacity to extend modern values and attitudes. Nonetheless, this development did not proceed in a linear and uncontested way. But the motives and incentives of democracy have varied over time and place. While the main cause of change in the nineteenth century and afterward was class, by the 1980s and 1990s it was driven by a complex mix of social conflict, state building, free global trade and external influence. Meanwhile, there were enormous efforts to explain the expansion of the democratic paradigm. Up to now the most attractive theory with a broad capacity to encompass different issues was known as the wave theory introduced by

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[118] Diamond, *Developing Democracy*, p.154.
[119] Samuel Huntington, *The Third Wave, Democratization in Late Twenty Century*. University of Oklahoma Press, 1991.

Huntington. This suggests that democratisation in the countries linked together in the wave at least have common causes.

Huntington also suggests that waves of democratisation have been followed by reverse waves of authoritarianism. He supports his view by pointing at those societies that either failed to consolidate democracy or experienced democratic collapse. Despite the fact that the wave theory of democratisation has become a conventional part of the democratisation story, it does not provide a sufficient explanation of cause, mandate and safeguards of democratisation. Huntington explains a wave of democratisation as follows:

> A wave of democratisation is a group of transitions from non-democratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period of time. A wave also involves liberalisation or partial democratisation in political systems that do not become fully democratic. Each of the first two waves of democratisation was followed by a reverse wave in which some but not all of countries that had previously made the transition to democracy reverted to non-democratic rule.[120]

For Huntington, the long first wave started at the beginning of the nineteenth century and the number of democratic governments grew gradually until about 1930. It was correlated by the expansion of liberal democracy both in theory and practice. The second wave identified by Huntington was considerably shorter. Its beginning was signalled by the physical defeat of the Axis powers in 1945. The American led coalition was the chief sponsor of democratisation in the occupied territories of Germany, Japan and Austria. Democracy also started to spread around this time in parts of Latin America, although most of the newcomers were unstable and formalistic. Democratic consolidation was inconsistent through the 1960s and early 1970s.

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[120] Huntington, *The Third Wave*, p.11.

In some countries of central Europe during the 1930s and 1940s, violent and repressive regimes such as Fascist movements operated as real dictatorships. Their allies survived in southern European countries till the 1970s. Huntington illustrated a third wave beginning with democratisation in Portugal in 1974, which was followed swiftly by Greece and Spain. In the 1980s a number of Latin American countries began to democratise and finally, in 1989, democratisation reached Eastern and Central Europe and the former Soviet Union. It is argued that geographic adjacency and strong economic ties with democratic European countries acted as catalysts for European dictatorships to embrace democracy. Therefore, desperate need for economic growth and popular awareness about political developments greatly contributed to their relatively smooth and painless integration into the democratic club.

We can extend these positive needs and developments to other developing countries, as many of them have shown a great desire for democratisation. However, one should bear in mind that in many of these countries these objectives have been counterbalanced and outweighed by conditions that rendered electoral democracy increasingly shallow, illiberal, unaccountable, and afflicted. [121] In other words, having established some democratic institutions which are supposed to be occupied by elected members cannot be seen as a proof of successful democratisation in itself. Perhaps, it is a mere weakness and naivety for any newly elected government (semi-democratic) to claim that it is determined to establish a promised political system, both in structure and function. Guillermo O'Donnell terms these semi-democratic governments as "delegative democracy".

Diamond also argues that to a considerable degree the gap between democratic form and substance is an institutional gap. Unlike natural science, no political system can operate strictly according to its formal institutional prescriptions in reality. Given this, we cannot expect to have a complete and effective political system, and that is why in developing democracies it is possible to take reverse

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[121] *Transition from Authoritarian rule*, (ed) Guillermo O'Donnell, Philippe C. Schmitter and Laurence Whitehead, Baltimore, Johns Hopkins University Press, 1986. p.81.

steps. Diamond named this vicious process as "a great defection articulated in democracy".[122] In other words, the political institutions of these countries are too weak to ensure the representation of diverse interests, constitutional supremacy, the rule of law, and the constraint of executive authority without primary structural foundations, both economic and political. Thus, we can bring to use the terms *low-intensity democracy, democracy by default, poor democracy, empty democracy,* and *hybrid regimes* to describe the current reality happening in developing democracies.

More practically, as O'Donnell's conception of delegative democracy shows, it hints at the relative absence of horizontal accountability between the elected executive body and the other two branches of government.[123] Although delegative democracies (i.e. Turkey) have the formal constitutional structures of democracy and may even barely meet the empirical standard of liberal democracy, they are institutionally unable to deliver a democratic operational system.[124] In these cases, voters are mobilized by clientelistic ties and personal appeals rather than programmatic ones.[125] Consequently, parties and independent interest groups are weak and fragmented. Instead of producing effective means of ongoing representation of popular interests, such systems prepare the ground for electing a delegation of stylish agents to promote their particular political class. As a result, the winner, under the banner of democratic power, will not hesitate to govern by decree and even by whim. Furthermore they may claim to embody the will of a nation while invoking an authority based more on personal charisma and possibly the backing of a popular movement than on a political party or institution.[126]

O'Donnell argues that because power is allocated to a single office, even swift and precise change—including economic reform—cannot result in a mistake-free outcome. This is due to its very swiftness and lack of consultation. On the other hand, as election campaigns do not produce any clear programmatic policy

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[122] Diamond, *Developing Democracy*, p. 59.
[123] O'Donnell, *Delegative Democracy*, Notre Dame University Press, 1992. p. 38.
[124] In Turkey's case, the military is constantly controlling the government and parliament's policies and decision-makings.
[125] An accusation rendered by the opponents or critics of the Islamic Republic.
[126] Diamond, *Developing Democracy*, p. 34.

agenda that subsequently must constrain power holders, lack of political commitment is inevitably widespread and can lead to inefficient governance, and failure to fulfil and maintain political democratic requirements. The case of Argentina as a secular state can be easily included in this category.[127]

However, in another example of a semi-democratic system where political Islam is granted supremacy and is being practiced by a majority of the people we witness an obvious example of a delegative democracy, of course on its own scale. The Islamic Republic of Iran could be counted as an "ideological delegative state". Its critics describe it as a genetically ill infant of democracy in the Middle East which was delivered in 1979. By referring to most studies contemporary to the Islamic Revolution we can show that most observers gave their primarily support and cheered it as a truly popular and legitimate movement which aspired to freedom and independence. However, this view was quickly subjected to extensive revision and even opposition. Critics insist that having obligatory religious consideration in a political system for citizens eliminates any possibility of being considered democratic.[128] This assumption again leads us to review the standard meaning of democratisation and its empirical aspects.

1.7.2. THE EPISTEMOLOGY OF DEMOCRATISATION

The contemporary democratisation process is actually far more complex than what Huntington suggests in his wave theory. In fact, the wave theory fails to clarify very different explanations for democratisation. First of all, it is necessary to separate the causes of democratisation. Secondly, the wave approach assumes that there is now a global movement to establish democracy. But, according to a more accurate consideration, the number of stable (liberal) democracies is actually growing very slowly.[129] Huntington presumed that more democracies were emerging because more elections were being held, whereas holding

[127] O'Donnell, *Deligative Democracy*, p.40.
[128] For example, Hatam Qaderi who is known as a secular Iranian reformist.
[129] Diamond, *Developing Democracy*, Page.24

elections, as mentioned before, does not necessarily indicate the implementation of democratisation. Basically, conventional studies of the democratisation process tend to refer to the "social conflict" theory as the trigger of the democratisation process.[130]

The social conflict theory is known as the classic analysis of political reform and is based on capitalism. This theory stipulates that capitalism radically transformed the traditional equilibrium of class structure which led to the emergence of the middle class. It subsequently created an indispensable demand for socio-economic reform to sustain this new situation. Seymour Lipset believes that capitalism leads to the development of bourgeoisie and middle class professionals who are the key to political reform (democratisation).[131] The relationship between classes, capitalism and democracy is rather complex.

The core concept of Marxism is also devoted to analyse these interactions in order to produce a suitable explanatory theory. The notion of capitalism emerged through the accumulation of substantive amounts of wealth in the hands of a few while others were doomed to labour for this project. The expansion of labour and technology automatically created an industrial class which had strong ties with holders of capital to secure the floating of investment into it. At first sight, such mutual interdependence indicates a natural alliance in favour of preserving political status quo. Therefore, since the implementation of political reform would require inclusive citizenship provisions and a relatively equal distribution of resources and power, there is an initial conflict of interest within the bourgeoisie (capitalism) and any reformation of the system.

However, according to Marxism the antithetical relationship between the expanding bourgeoisie and the existing political system leads to a synthesis of unavoidable political reform. It says: due to the enterprising nature of the bourgeoisie, based on expansion and securing of consumer markets, principles to create an ever-expanding market should be operative. Therefore, the survival of

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[130] *Karl Marx: Economy, Class and Social Revolution*, edited & introduction by Z.A. Jordan, London, Nelson, 1972, p.11-19.
[131] Seymour M. Lipset, *Social Mobility in Industrial Society*, Berkeley, University of California Press, 1959, p. 27.

the bourgeoisie depends on certain socio-political conditions that can be only guaranteed through certain socio-political reform. For some scholars, the roots of democratisation began in 1776, when the American Revolution occurred. In particular, Dahl dates democratisation from the triumph of the idea of representation which led to the American Revolution and created the USA. For others including Huntington, democracy is equated with individualism and hence the first wave began in since seventeenth century. Apart from the historical point of view, just as important is the idea that capitalism rapidly advanced in Western countries, unleashing a fierce social struggle and introducing new conflicts in society.

Economic growth generated the structure that allowed the gradual empowerment of the non-elites or the lower classes, and caused them to recognize their previously denied rights. To this end, democratisation processes emerged as a consequence of social disputes. However, capitalism and its resulting social conflict, led to the emergence of a modern and relatively autonomous state, capable of playing a crucial role in advancing social reform. This new state made possible the implementation of the economic and social reforms that, in Europe, began the first initiatives towards democratisation.[132] In other words, democratisation was the result of socio-economic pressure, combined with the development of a liberal state that was to some degree autonomous of society.

Contemporary experiments in democratisation contain several kinds of self-declared democracies. The creation of liberal democracy in some countries, the introduction of limited electoral change in others, and the problematic nature of democracy in most developing countries provide the whole picture. Hence it is important to distinguish between problematic or partial democracies and consolidated democracies. In short, contemporary democratisations encompass failures and successes. The question raised here is, why do some democratisation experiments succeed and others fail? The following is Grugel's short answer to this question:

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[132] Grugel, *Democratisation*, p.37.

> Democracies are political systems comprising institutions that translate citizen's preferences into policy, have effective states that act to protect and deepen democratic rights, and count on a strong participatory and critical civil society. A consolidated democracy is one in which this political order is routinised and accepted. Consolidation, then, implies both the deepening and stabilizing of democracy. In addition, the chances for consolidation are greatest in cases where favourable international circumstances are allied with state capacity and a growing, vocal and effective civil society.[133]

The advocates of wave theory were mainly inspired by the emergence of pro-democracy movements (Western inspired intellectuals and youth) in countries where capitalism and other prerequisites were not fully developed. This challenges many assumptions about the democratisation process. In particular, it could raise doubts as to whether democratisation process is still dependent on class conflict or if new factors have become involved. To this point, globalisation was posited as an alternative explanation which brought significant alterations in the value system of societies. Obviously, this does not disregard class and other forms of social conflict within societies, and these factors still matter for explaining democratisation. It is worthwhile here to draw out the implications of past attempts at the democratisation process in contemporary examples.

Initially, the democratisation process started most strongly in economically developed states. Nevertheless, democracy was contested in some capitalist and economically developed countries like Germany in the 1930s. Also in some authoritarian regimes, democracy was replaced by fragile democracies. This suggests that although capitalism is important it does not guarantee the emergence of democracy e.g. in Malaysia. Meanwhile, democratic forms of government survived in some countries for considerable periods, even though economic development was slow and elitism was still in force (e.g. in India).

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[133] Ibid, p.36.

The wave theory constitutes a useful metaphor for situating democratisation in its global context, but it lacks the capacity to embrace factors democratisation involves. It points to the importance of recognizing that the chances for democratic outcomes to social conflict are greater at particular moments of global history.

However, as mentioned before, the application of wave theory on a greater scale is quite confined. It gives the impression that cross-national and cross-regional connections are predicated on an advancing democracy, but it fails to explain how democracy actually comes about in national societies—for example, who are the agents and bearers of democracy? Therefore, to understand the issue, we need to consider theories of social and economic change and political action. These theories are rooted in political and social dynamics, and in particular, related to nation-states. In other words, it is necessary to harmonize the global focus and pressure for democratisation along with the potential and capabilities of domestic politics within the political entity of the state. In next chapter we will take into account the socio-religious dynamics that have strongly influenced Iranian society and state in its road toward democratisation.

1.7.3. DEMOCRATISATION AND THE STATE

The purpose of democratisation so far has meant the building of a democratic state. It is natural to ask, what this entails or how it can be brought about. There is a general agreement that it means more than just the holding of elections, but still there is no academic consensus about what reforms, precisely, are required. But we know that the state is, ultimately, an instrument of social domination. Democratic states, therefore, tend to rule through hierarchical structures that combine legitimate power, persuasion and bureaucracy. Another characteristic of democratic states is that they generate multiple sources of authority and decision-making. However, in undemocratic states, the apparatus of the state is the primary target of democratisation. Thus, expecting that an undemocratic state will attempt to democratise itself is a rather absurd idea.

In sum, the legitimacy of democratic governments rests on the fact that they can plausibly lay claim to be representative and accountable to the people. In other words, democratic states ought to be held accountable to the people, and accordingly, act in the people's interest. We could argue that despite the fact that democratic states under capitalism have a natural trend towards business and a profit-based agenda, they are more likely to respond to social demands and economic justice as their survival is subject to actual balance between social demands and economic prosperity. On the issue of using forceful means it is generally accepted that the state has the capacity of coercion and violence. It is argued that the only reason to implement such forces in a democratic state is either in order to defend against outsider threats or against those who substantially break the law and cause social disorder.

Grugel has assessed some fundamental characteristics of a democratic state:

I. Territorial integrity, either as a result of the belief that the state represents a nation or through negotiations and legitimate and binding agreements that make a multinational state possible.
II. The rule of law, that is, minimal rights and duties of citizens are legally encoded and the parameters of state activity legally defined.
III. A minimal use of legally sanctioned violence against its own citizens.
IV. Popularly elected and representative government that is formally controlled by constitutional channels of accountability.
V. A complex bureaucracy that can make claims to impartiality.
VI. The existence of multiple centres of power.
VII. The formal existence of channels of access to decision making, even for subordinated social groups, which are operational to some degree.
VIII. Some commitment to social and economic justice, however defined.[134]

[134] Grugel, *Democratisation,* p.37-40.

In short, a full democratisation of the state will be accomplished when: institutional change (regarding the form of the state); representative change (regarding who influences policies); and functional transformation (regarding what the state does) have been achieved. In contemporary democratisations, most attention has focused on engineering institutional change to the state rather than bringing about representative or functional transformation (agent theory). There is a general presumption that to some extent, representative change and functional transformation will automatically follow from institutional change. However, as functional and representative change is more radical, the possibility of being obstructed by ruling elites is higher.[135] Thus, we cannot easily assume that substantive transformation will necessarily follow on from the introduction of new institutions.

Therefore, it could be argued that the reforms prescribed and even practiced in contemporary democratisation processes have exposed serious challenges concerning issues such as national sovereignty and political integrity. These challenges can act as destabilising factors for the state through prompt introduction of radical political reforms in seeking democracy. Empirically, some Eastern European countries proved capable of shifting swiftly and painlessly whereas some others underwent very violent and distressing upheavals.[136] Finally, evidence so far suggests that states (state apparatus) can initiate and experience some institutional change but still resist a deeper democratisation.[137] Given the inherited inefficiencies of the state, to accomplish democratisation we shift to our next phase to discuss our hypothesis concerning the necessity of having a political culture conducive for achieving democracy.

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[135] For example, the great resistance towards controlled privatisation in Iran despite the Constitution's direct permission and even protection.
[136] For instance, Czech Republic was democratised very smoothly compare to what occurred in former Yugoslavia or Kosovo.
[137] Grugel, *Democratisation*, p.70.

1.8. POLITICAL CULTURE

A very strong explanation attributes the lack of democracy or failure in implementing democratisation by any state to the absence of an appropriate political culture within its citizens. By accepting this explanation and building upon its merits we could argue that democratisation relies on certain beliefs or psychological attitudes in a society. As for example, Daniel Lerner pointed out the notion of "civic attitudes" or Almond and Vebra's renowned concept of "civic culture". Even Robert Dahl stated that democratic stability requires a commitment to democratic values, norms and rules.[138] As we will shortly explore the multi-faceted conception of political culture, it is necessary to note that for political scientists having a political culture conducive to democracy relates to the stability and maintenance, and not the establishment, of democracy. In other words, the scientific discourse considers a suitable political culture as a necessary but not sufficient prerequisite for the successful implementation of democracy, instead emphasising the level and quality of socio-economic development.[139]

One can pose a question that after all this elaboration on merits and qualities of democracy—what are the causes of democracy? Dankwart Rustow has attempted to answer it by focusing on the political ingredients of political culture. He argued that "in the process of genesis of democracy, an element of what might be termed consensus enters at three points at least." First, there should be a consensus regarding which socio-political community the citizens believe they belong to. Second, there must be "a conscious adoption of democratic rules". Third, and most importantly, "the essence of democracy is the habit of dissention and conciliation over ever-changing issues and amidst ever-changing alignments".[140] In Chapter 2 we will question whether the three causes of democracy categorised by Rustow can be seen in conformity with a religious society like Iran.

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[138] See Robert A. Dahl, *Who Governs?* New Haven, CT, Yale University Press, 1961.
[139] See Abootalebi, *Islam and Democracy*, intro.
[140] Dankwart Rustow, *Transitions to Democracy*, cited in Abootalebi.

However, there is an academic disagreement over the validity and application of political culture as a perquisite of democracy. This trend finds the introduction of cultural explanations methodologically problematic. The proponents of scientific discourse (positivism) claim that cultural explanation offers a vague ground for one to attribute all sorts of behavioural patterns to particular cultural traits, suggested by those very patterns. Accordingly, they maintain that the application of cultural explanation is to avert the route of scientific method of empirically testifying of the independent evidence of hypotheses. The following paragraph vividly illustrates this criticism:

> If no other causes can plausibly explain significant differences between societies, it is inviting to attribute them to culture. Just exactly how culture is responsible for the political and economic difference one is attempting to explain is often left extraordinary vague. Cultural explanations are thus often imprecise or tautology or both, at the extreme coming down to a more sophisticated rendering of "the French are like that," on the other hand, cultural explanations are also unsatisfactory for a social scientist because they run counter to the scientists' proclivity to generalize.[141]

We should bear in mind that this criticism of cultural explanation can be rightly posited if the theorising ground remains for traditional social theory. As explained in the outset of this chapter, the emphasis on the objectivity of the case study under the traditional social theory should circumvent the political scientist to take into account rather subjective elements like belief sets or cultural traits. In contrast, the critical social theory provides a necessary theorising framework for encompassing all the relevant objects and subjects pertinent to the social praxis. It is not anymore a matter of dispute in the spectrum of social sciences that the superiority of positivism as the single method of academic study has expired. The cornerstone of positivism is a simplistic copying of the natural

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[141] Samuel Huntington, "The Goals of Development" in Myron Weiner and Samuel Huntington, (ed), *Understanding Political Development*, Boston, Little Brown, 1987, p.23.

sciences by employing the same methodology.[142] Such a mechanistic approach towards social relations has drawn rigorous criticism, not only from anti-positivists but also from recent positivists.[143]

This self-critique was pioneered by Wilhelm Dilthey and Heinrich Rickert who argued that there is a profound difference between the world of nature and the world of society, as the latter has unique aspects such as values, ethics, norms and symbols which can be abstracted as culture. Therefore, the scientific discourse is limited to phenomena that can be constrained within any analytical and verifiable fragment of the reality. In other words, it would be impractical to measure freedom, religious belief or various unpredictable actions that are common in human behaviour, either singly or collectively. Furthermore, the knowledge can never be neutral as its correlation with power makes the attempt of positivists to draw an artificial line between observer and the subject fairly absurd.

Juergan Habermas is a pioneering critical sociologist who developed the concept of critical theory in sociology by freeing it from the direct influence of Marxist theorists and their chief emphasis on political economy.[144] In other words, critical thinking paved the way for conceptualising critical knowledge that enables observers to emancipate themselves from forms of domination through self-reflection and taking psychoanalysis as the paradigm of critical knowledge. This development augmented the possibility of critical theorising within the scope of social sciences, leading to developments such as structuration theory (Anthony Giddens), post-colonial theory (Edward Said), critical race theory (Derrick Bell), and social ecology (Murray Bookchin).

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[142] The major themes of positivism can be summarised as follow: 1.Unity of scientific method for producing the law of general understanding for any phenomenon. 2. Scientific knowledge is testable, using inductive logic to make testable statement. 3. Science is value-free, regardless of morals and human preferences. 4. Universal conditions apply at all times and places.

[143] The main points raised against positivism in the social sciences are: (1) the involuntary influence of the experimenter on the individuals being studied; (2) the complexity of culture and history limits generalisations; (3) the observer has his own value orientation.

[144] See Mirsepassi, *Intellectual Discourse*.

Given the above analysis, the point introduced by Horkheimer concerning the interconnectivity of subject and object in socio-political studies seems to hold more authority. His critique is the recognition that studying a society cannot be conducted merely upon natural facticity but is itself a social construction. Thus, culture cannot be discerned as sets of habits, norms and symbols with no determining effects on contemporary or modern polity, but as the network of power-relations that produces values, beliefs and forms of knowledge. Also, theory itself should not be perceived as "a set of analytical propositions uncontaminated by praxis, but as an integral part of this net of inclusions and exclusions called social power."[145]

For having a firm methodical explanation in studying socio-political power-relation and the democratisation process, we arrive at the point of utilizing critical social theory in politics. By applying critical social theory in politics, we find a direct relation between democracy objectified as a political system and societal interaction considered as political culture. As Behnam puts it "politics is a distillation of certain fundamental qualities of the more general culture. As a system, culture functions to give coherence, meaning and predictability to a society. [ ] shared beliefs and collective values of a people and the form of government are unified by the concept of culture."[146] In the following passage, we concentrate on the theoretical aspects of political culture and its relation with emerging democracy.

Prominent theories of democracy, both classic and modern, claim that democracy requires a distinctive set of political values and orientations (conceptual level) from its citizens such as moderation, tolerance, civility, efficacy, knowledge and participation. Also, beliefs and perceptions about regime legitimacy have long been recognized as critical factors in order to evaluate the possibility of persistence or breakdown of democracy in a political system.[147] Countries differ significantly in their patterns of politically relevant

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[145] Santiago Castro-Gomez, *Nepantla, Views from South*, no.1, Vol.3, 2000, p. 505.
[146] M. Reza Behnam, *Cultural Foundations of Iranian Politics*, Salt Lake City, University of Utah, 1986, p.4.
[147] Larry, Diamond, *Developing Democracy toward Consolidation*, Johns Hopkins University Press, London, 2002, p. 161.

beliefs, values, and attitudes. Even within different classes of a nation these elements of political culture can be diverse and can influence that nation's stance towards democratic idea and practice. Gabriel Almond argues that these parameters of political culture are clearly shaped by life experience, education, and social class.[148]

Accordingly, to provide a better perception of the political atmosphere of any society we need to take into account the importance of the political culture rooted in that society and the effects of modernity on it. It is specifically acute in Iran because that country underwent the first modern revolution when the mainstream attitude of society was still exclusively derived from traditional and native sources. In addition, the constitutional turmoil was coincident with moral and religious claims that were in confrontation with the ideological and political currents of the contemporary world.[149] Political culture also can be seen as a dynamic and evolving force in analysing social progress or regress. In short, political culture is the product of both a collective history of a society and the life histories of its members; it provides the subjective orientation to politics and shapes individuals' perception of who they are and how they differ from others. Political power is also so sensitive to cultural bearings that cultural variations play a decisive role in determining the political development of the society.

As early as the 1950s, Seymour Martin Lipset pointed to some evidence demonstrating not only a strong relationship between economic development and democracy but also the political beliefs, attitudes, and values as an important variable in assessing economic and political development.[150] Later, in the 1980s Alex Inkeles and Larry Diamond presented more direct evidence of the relationship between a country's level of economic development and the prevalence among its people of such democratic cultural attributes as tolerance, trust, and efficacy. In the 1990s Ronald Inglehart showed that life satisfaction, interpersonal trust, and rejection of revolutionary change are highly associated

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[148] Gabriel A, Almond, and Sidney Vebra, The Civic Culture, *Political Attitudes & Democracy in Five Nations*, Princeton University Press, 1963.
[149] Mansur Farhang, *Iran, Political Culture in the Islamic Republic*, (ed), quoted from Foreword by Farhang, Routledge, London, 1992, p. IV.
[150] Seymour Martin Lipset, *Political Man, The Social Bases of Politics*, Baltimore, John Hopkins University Press.1981, P. 27

with a stable democracy, and that political culture may be a crucial link between economic development and democracy.[151]

The most important finding here is the autonomy of political culture in the determination of political trends. Nevertheless, socio-economic development can generate "modern" attitudes and values, greater tolerance and valuing of freedom, higher levels of political efficacy, greater capacity of participation in politics and civil life.[152] However, political experience with democracy and alternative regimes, and how well a formally democratic regime functions to deliver the political goods of democracy could have sizable independent effects on political attitudes and values, often overpowering those of the country's level of socio-economic development, the individual's socio-economic status, and regime's economic performance.[153] Accordingly, Diamond believes that the new democratic experiments in deeply impoverished countries such as Nepal, Mongolia, Benin, and Mozambique are reaffirming the crucial and positive effect of political culture. He says "there is no developmental perquisite for democracy" and adds: "there is no better way of developing the values, skills, and commitments of democratic citizenship than through direct experience with democracy, no matter how imperfect it may be."[154]

However, it should not be ignored that the constructive aspects of political culture have mostly been stressed, while in reality the diversity of cultures throughout the societies have created different and even paradoxical political culture. Thus, not any political culture would be conducive for promoting and consolidating of democracy. For instance, the existence of a religious-bound political culture with a power seeking interpretation can be in tension with substantial elements of democracy. So, again, it is important to enhance our understanding of what political culture is and how it is structured. To this end, first we need to establish a conceptual ground for political culture through which we could verify its fundamental dimensions. Almond and Vebra describe

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[151] Ronald Inglehart, *Culture Shift in Advanced Industrial Countries*. Princeton University Press, 1990, p.45.
[152] Diamond, *Developing Democracy*, p. 162.
[153] Ibid, p.169.
[154] Ibid, p.170.

political culture as "a people's predominant beliefs, attitudes, values, ideals, sentiments, and evaluations about the political system of their country and the role of the self in that system".[155] These components of political culture could be summarised as three distinctive "orientations to action":

- A *cognitive* orientation, involving knowledge of and beliefs about the political system
- An *affective* orientation, consisting of feelings about political system
- An *evaluation* orientation, including commitments to political values and judgements (making use of information and feelings) about the performance of political system relative to those values. [156]

Accordingly, it is sensible to suggest that in developing countries such as Iran, it is largely the "cognitive" and "affective orientations" which usually shape the political culture based on its specific characterisation.[157] Such a political culture cannot be active in a productive dialogue with political system, rather tends to submit to the *status quo*. However, in developed societies; it is the "evaluation orientations" which float across political actors and parties and bridge a solid interaction between society and government. In fact, in a democracy, not only the cognitive and affected orientations are acting in the line of maintaining and developing of democracy, but through evaluation orientations the continuity of democracy can be scrutinized, guaranteed and secured. As Diamond argues, evaluation orientations may readily change with empirical experience, but norms and values represent the most deeply embedded and enduring orientations towards political action and the political system.[158]

In addition, the elements of political culture in developed countries are in favour of strengthening the legitimacy of political system, whereas in most developing countries, these pre-dominant attitudes and values are not conducive to create a democratic political system. Perhaps in such societies it is also likely that the

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[155] See Almond and Vebra, *The Civic Culture*, Boston, Little Brown, 1980, p.15.
[156] Ibid, p.15-17.
[157] For example, in Chapter 2 we will explain in more detail the importance of religious sentiments and its influence on determining political affair.
[158] Almond, ibid.

political regimes themselves conspire to misuse (populist policies) the indigenous socio-political culture of that society simply to strength their authority and survive longer.[159] Here is the departure point for supporters of "educational prerequisite" as a fundamental element of building any "democratic oriented society" capable of reaching the "democratic run state".

Despite the importance of these substantive considerations in the development and maintenance or failure of democracy, the classic works on democracy have tended, until recently, to neglect these parameters. But, with the surge in the 1990s of theoretical and empirical attention to the process of *democratic consolidation*, political culture has recovered a central place in the comparative study of democracy. The same negligence applies to the study of Iran's experiments with democratic movements. The majority of works on the two Iranian revolutions largely focus on either the factional and personal rivalry within political actors (historiography) or political and economic development made by the state. Few pay enough attention to political economy and political culture of modern Iran. Some researchers have attempted to study the nature of politics in both pre and post-Islamic revolutionary period regardless of political slogans and trends.[160] Most are descriptive and lack a guiding thesis or an explanatory theorem.[161]

Notably John Foran argues that "a combination of both indigenous and heterogonous social, political and organisational-mobilisation factors collectively favoured the rise of the Islamic Republic."[162] He goes further and counts four principal concepts which underline the ideology and political culture in shaping of the Islamic Republic. First is fundamentalism, a strong and

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[159] For instance, propaganda by totalitarian regimes aims at a diversion in socio-political culture to buy legitimacy.

[160] See *Introduction, Iran's Political Culture*, Samih K. Farsoun and Mehrdad Mashayekhi (ed.), Routledge, London, 1992, p.2

[161] The latest book by Homa Katouzian provides an exception in this matter as it comprehensively attempts to analyse the nature of political action within Iranian society either during the Pahlavis or the Islamic Republic, *Iranian History and Politics, the Dialectic of State and Society*, Routledge Curzon, London, 2003.

[162] See *A Century of Revolution, Social Movement in Iran*, (ed) John Foran, University of Minnesota Press, 1994, p.163.

overarching preoccupation with the question of religious resurgence.[163] Second is populism, an ideological belief in the common people as the subject of history and social change. Third is an aspiration for social justice, a mobilisation ideology[164] to restore the grievance and give economic security to the vast numbers of people, who had been disenfranchised by the shah's regime. Fourth is the contemporary Third World's strategy of revolutionary violence to achieve liberation, independence, change, and social justice for and by the masses.[165]

Also, it is true that both authoritarian and democratic regimes have two major, opposite political cultures. The latter is conducive to democracy and the former is not. But, still, within the authoritarian regimes there are differences on sustainability of that authoritarian regime.[166] Thus, speaking of the "political culture" of a nation would be correct while maintaining a distinctive mixture or orientations within that particular country. However, one could argue that such an interpretation of political culture can be seen as a stereotype to create a causal determinism. In other words, political culture more or less predetermines both the political structures and the political behaviour of a political system. Not surprisingly, such a perspective has attracted strong appeal in the political literature of Latin American and Middle Eastern politics, and offers cultural interpretations. This view suggests that authoritarianism, despotism, and hierarchy, are rooted in the monastic cultural heritage of these societies.[167]

Such a culturally deterministic theory is not valid across the board. There are two points of criticism for this orientalistic theory. The first is theoretical: Gabriel Almond argues that the cultural determinism stereotype is a distortion of his and other theories about the relationship between political culture and democracy. He writes: "the early advocates of political culture explanation recognised that causality worked both ways, that attitudes could influence structure and behaviour, and that structure and performance in turn influence

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[163] *A Century of Revolution*, (ed) Foran, p.163.
[164] It will be discussed in more details in Chapter 2 and 3.
[165] Ibid, p.160-165.
[166] For example, after the collapse of the Soviet Union, we see a pattern shift in nearly all members of the former Eastern bloc by implementing democratic values and system, whereas in Muslim countries which experienced regime change, the characteristics of new regime remained untouched.
[167] Quoted from Diamond, *Developing Democracy*, foot note (Pye and Luis), p. 162.

attitudes" Thus, "political culture affects government structure and performance—constrains it, but surely does not determine it."[168] To back this argument, he points to the "civic culture" which has shown that the cognitive, attitudinal, and evolutional dimensions of political culture are fairly resilient and can change quite dramatically in response to regime performance, historical experience, and political socialisation.

A second reason for rejecting a deterministic approach to political culture is empirical. Considerable evidence has accumulated that, while political culture affects the character and viability of democracy, it is shaped and reshaped by a variety of factors. These not only include the types mentioned above (political learning from historical experience, institutional change, political socialisation) but also broad changes in economic and social structure, international factors (including colonialism and political diffusion)[169], and of course the functioning and habitual practice of the political system itself.[170] This progressive evolution occurred in countries like Germany, Italy, Japan, Spain and Portugal, which were once assumed to be infertile soil for democracy. This suggests that even the deeper normative layer of mass political culture may respond fairly rapidly to major changes in a country's political system, making it possible to entrench democracy even when a country has little if any prior historical experience of it.[171]

Although the majority of political scientists do not consider the concept of political culture as a prerequisite of democracy, it is still useful in explaining the dilemma of democracy in most undemocratic countries. This dilemma is found mostly in countries which have had several opportunities to implement democracy (Iran and its three opportunities in 1906, 1951, and 1979). This inability to acquire democracy becomes more obvious particularly when we analyse the authoritarian characteristics of the society. Tendencies towards authority drive to the very heart of what democracy is about. Inkeles portrayed

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[168] *The Civic Culture Revisited*, Gabriel Almond and S. Erba (ed) Newbury Park, Sage, 1989, p.98.
[169] For example, Singapore and Hong Kong are two Asian countries which through being separated from mainland and having different educational and political order could become democratic.
[170] See Diamond, Juan J. Linz, and Seymour Martin Lipset, *Democracy in Developing Countries: Africa, Asia and Latin America*, Boulder, Colombia Press, 1988, various pages.
[171] Diamond, *Developing Democracy: toward Consolidation*, p.165.

democratic political culture as the inverse of an authoritarian personality syndrome, which includes faith in powerful leaders, hatred of outsiders and deviates, a sense of powerlessness and ineffectiveness, extreme cynicism, suspicion and distrust of others, and finally dogmatism. Thus, a democratic culture contains flexibility, trust, efficacy, openness (to new ideas and experiences), tolerance of differences and ambiguities, acceptance of others and an attitude towards authority that is neither 'blindly submissive' nor 'hostilely rejecting' but rather 'responsible' even though always watchful.[172]

Sidney Hook adds that "a positive requirement of working democracy is an intelligent distrust of its leadership, scepticism stubborn but not blind, of all demands for enlargement of power, and an emphasis upon critical method in every phase of social life."[173] Intimately connected to this is a belief in what Jacques Maritain called "the inalienable rights of the person and intrinsic worth or dignity of every individual". [174] On the other hand, an undeveloped political culture generally lacks these essential orientations of individualism and suspicion of authority. Thus, the prospect for liberal and competitive democracy in these societies is limited.

In almost all Middle Eastern societies political culture lacks substantial orientation towards individualism and healthy scepticism of political authority. On the other hand, the right understanding of how the concepts of power, authority and legitimacy in these societies are conceived is significantly important. In fact, it is a religious or a sort of divine legitimacy that determine the fate of present political system, not the standard and routine interpretation of legitimacy used in the West. This brings us to the aspects of an ideal model to identify the common tendencies within these societies, in particular the tendency of preferring collectivity over individual freedom and needs. Favouring a paternalistic authority relationship within the family throughout most social classes is also another reason for the absence of individualism as a driving force.

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[172] Inkeles, *National Character, a psycho-Social Perspective*, Alex Inkeles, D.J. Levinson [et al], New Brunswick, Translation Publishers, 1997, p.195.
[173] Sidney Hook, *The Paradox of Freedom*, Berkeley, The University of California Press, 1970, p.67.
[174] Ibid, p. 78-80.

Fear of upsetting the unity of community, and knowledge that any reproach towards the ruling class could lead to ostracism are considered as additional factors in preventing these societies from becoming democratic. The argument is that the influence of religion in these countries is seen as a substantial factor preventing people from perceiving issues independently. To be precise, the difficulty indeed is not religion *per se*, but the religious officials whose long rooted interests would be jeopardised if their particular interpretation of religion was demonstrated to be inappropriate. In contrast to other societies in which the main power struggle occurs between different social classes, in Muslim societies, the conflict mainly lies between the ruling class (state), the masses, and also the religious ministers who can shift their position from one side to another. However, determining that democracy is totally incompatible with Middle Eastern countries is biased and based on an orientalistic approach.

1.9. CONCLUSION

In this chapter, we first established our main theoretical ground against the inefficiencies of scientific discourse in analysing both the concept and application of democratic theories in developing countries in general and in the Islamic Republic of Iran in particular. In fact, we assumed the phenomenon of democracy as the political by-product of modernity and general enlightenment. Our debate circled over the inclusion of both objectivity and subjectivity in conducting a political study, while the scientific discourse is rationally reluctant to encompass abstractive issues like cultural traits and religious beliefs. We also criticised the narrow-minded attitude of the pervasive orientalistic approach in studying political development in societies like Iran. To support this proposition we employed critical social theory instead of the traditional social theory which is chiefly concerned with perceived measurable objective social realities.

In the main body of chapter, we tried to present an inclusive but to the point account of what theoretically and practically constitute democracy for our further examination throughout of the thesis. Liberal democracy as the main Western model of democracy received a substantial attention for understanding its roots and dimension. Equally, the alternatives of liberal democracy were discussed to elicit the fundamental notion of an ever-growing and open-end characterisation of democracy. Although democracy first materialised within the Western socio-political frameworks, it no longer belongs to any specific region or discourse. It has constructed its own discursive parameters, which are universalistic.

The significance of this chapter lies in its fulfilling two functions. First, it provided us an essential ground for our understanding of democracy, democratisation process and political culture. Second, it evidently assisted us to establish our hypothesis of examining political culture as the primary criteria for examining the implementation of democracy or democratisation. Therefore, in the following chapter we will focus on discussing and analysing Islamo-Iranian political culture with specific attention to the concept of Islam, Shi'ism, Shi'a jurisprudence and finally patrimonial and despotic elements of Iranian society

2.0. CHAPTER TWO: THE ISLAMO-IRANIAN POLITICAL CULTURE

2.1. INTRODUCTION

For a long time it has been an unequivocal challenge faced by political scholars as how to deal with democracy and democratisation process in Muslim societies. The Muslim culture, traditions and in fact people are often portrayed as having an intrinsic contradiction in their way of thinking and living with modernity in general, and with democracy in particular. Such depictions are rooted in the history of Western scholarship and of course cannot be reversed quickly. In this chapter our aim is not to engage with this issue in depth as it needs an independent form of study. However, the interconnectedness of democracy and the prevailing religion in any given society is not a marginal debate in political studies and therefore compelling for us to consider its right weight in examining our hypothesis of having appropriate political culture as necessary for democracy.

As discussed in the first chapter, the concept of democracy ought to be based on universalistic principles while preserving its core meaning and function. We explained the trajectory of growing liberal democracy as the Western narrative of encountering, interpreting and finally embracing modernity through its own contextual circumstances. Then, we touched upon the alternatives to liberal democracy, to demonstrate the ongoing process of defining democracy in a broader sense. Our analysis centred on bolstering the application of critical social theory instead of traditional social theory to enable us to take into account the notions ignored by the scientific discourse: political culture and religion.

Academically, there has been resurgence in importance of political culture and its influence in formation of governments and policies. Also, early endeavours utilising political culture tended to assume that Islam specifically hinders modernisation and democratisation. For example, Halpern in 1965 argued that a modern middle class

was emerging in the Middle East that would lead the process of modernisation in the region. He even branded Islam as an irrational and very dangerous threat to this process.[1] Daniel Price categorises the academic literature focusing on the relationship of Islam and politics into four levels:

1- The study of Islam in the West is distorted by its relationship to Islamic societies. The West has always approached the study of Islam from a position of power and dominance, the coloniser and the hegemon[ic], which has prevented Western scholars from gaining an accurate understanding of Islam and Islamic societies.
2- Islam is a very mysterious and irrational force that overwhelms societies. This trend attributes almost all behaviour [in] Islamic societies to Islam. In other words, Islam is used to explain everything and is the most important variable in understanding these societies. Changes in behaviour are attributed to cyclical fluctuation in the influence of Islam.
3- An approach to collect information on Islamic political groups, the chains of events that have been associated with the rise of political Islam, and the nature of the ideologies [which have] been offered.
4- Realising that Islam's role in society was not weakened as much as originally claimed by the writers of the 1960s and 1970s, this strain of literature attempts to understand the relationship between Islam and politics by applying the methods of the social sciences while, at the same time, recognising that Islam might produce a political culture that varies from those of the West.[2]

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[1] See Manfred Halpern, *The Politics of Social Change in the Middle East and North Africa*, Princeton, Princeton University Press, 1965.
[2] Daniel E. Price, *Islamic Political Culture, Democracy and Human Rights*, Westport, New York, Praeger, 1999, p.16-17.

It is also fundamental to bear in mind that the emancipation of the West from the Dark Age of the medieval era was not merely the product of certain societies living in a vacuum of time and geography. It seems so naïve to envisage the evolution of human societies in a context cut off from other present or past societies. It is also very selfish, biased and even racist to ignore the undeniable contribution of other cultures and civilisation which were employed and developed in the West and infused with new ideas. In other words, it was the West's turn to lead on yet unfinished course of history.

With recent military, security and political developments occurring after the atrocity of 9/11 in the US, the issues of Islam and obviously the Muslims have been occupying far more prominence in both individual and governmental level. Now an ordinary Western citizen is being taught to be very concerned about an imminent threat posed by either "radical Muslim terrorist groups" or "Muslim state sponsored terrorism" thanks to the thrill-thirsty enemy-hunger media and of course governments in the West. Implicitly, from the Western perspective a Muslim can be equated as a barbaric, uncivilised and violent believer who does not comprehend the value of freedom, democracy, humanity and modernity because they blindly follow a regressive belief system called "Islam". If we look at the issue more deeply we can see a vicious circle embedded in the outlook from which the Islam and the Muslims are perceived.[3]

The position of the Islamic Republic of Iran in this milieu is of a great importance from various viewpoints. First of all, it is the first modern state that adapted a full range of Islamic (Shi'a) principles into its constitutional and written law as well as policies. Second, the Islamic Republic was initiated through a popular uprising and a democratic constitutional vote. Third, the geopolitical and economic situation of Iran has always been an essential factor in determining its internal affairs. In this chapter the focus is placed on the root causes of the first parameter due to its substantial congruency with the premises this research is based on. Methodologically, it is important to note that from political science point of view, socio-economic structure is the natural result of how and on what bases socio-economic resources are

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[3] The latest controversy over how Islam and Muslim are perceived in the West occurred in September 2006 by the Pope Benedict XVI who quoted a conversation between a Byzantine Emperor and a Persian Scholar at 16th century in which the Prophet and Islam were described as violent.

distributed. Therefore, if a society resorts to establish a religious regime which ostensibly is in contrast with modern nationhood, the root cause is the lack of appropriate socio-economic development, not ideological and religious sentiments. Hence, they (political scientists) argue that such notions (religious sentiments) are being misleadingly used by the political leaders who aim to manipulate power through popular medium of religion.[4]

However, in our case study of Iran whether we assume that it is the lack of socio-economic development which is the main cause of Iranian society drifting towards adapting Islamic (Shi'a) principles or that it is a genuine source of rebellion and power seeking attitude within the Shi'a Islam that turns it against non-Islamic political rule, dilemma remains. The theoretical predicament we face is first to clarify the essential meaning and purpose of Islam in general and Shi'ism in particular. Second, we must establish a linear relationship between religious notions and political motions. In the following passage we will focus on measuring the compatibility of the essence of Islam and two main interpretations of Shi'ism (*Usuli* and *Akhbari*) as its second most important sect. Also by critical analysis of the issues of legitimacy and necessity of religious rule in Shi'a Iran, we will arrive at discussing the concept of jurisprudent rule (*wilayat al-faqih*). Our debate will benefit from the dialogue between the socio-political stance of prominent but various adherences to the Shi'a school of Islam and their opponents, mostly in the contemporary era. It is also necessary to remind ourselves that in such a sensitive and subjective area of research, the outcome of the debate cannot be free from self-interpretation and understanding, which of course, applies to all work done in this field including the present research.

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[4] Abootalebi, *Islam and Democracy*,

The first question to pose is what do we really mean by Islam? What are the differences between someone declaring him/herself as Muslim and the real criteria for this attribution from Islam itself? And above all, can we really describe certain political statements, organisations and even states which declare themselves to be Islamic, as such? Colin Turner elaborately tries to broaden our perception of Islam by saying: "Yet one has to scratch the surface to reveal that Islam is no monolith, it is a vast, multifaceted entity with as many different forms of expression as there are people to express them. It is therefore impossible to talk about Islam without qualifying it."[5] It does not seem that this is an assertion by a scholar who merely likes to defend Islam, but a pronouncement emanating from the core meaning of Islamic source that is Koranic scripture. It is a very elaborate and sophisticated scripture which was revealed about 15 centuries ago and must not be cut into pieces for the purpose of singling out one particular element while ignoring the rest.

The historical trajectory of the Muslim world shows a great interconnectedness between political rule and the message of Islam. On one hand, we witness Islam as a delicate source of human emancipation from the self and other suppressing controls. On the other hand, we can interpret Islam as a monolithic set of beliefs which can be most suitable for repressing and restraining human freedom in favour of establishing a rigid order of political rule. That is why some argue we must separate the religion as a conducting code from the revelation around which it has accreted.[6] The focus according to this judgment is to distinguish between the Koran and its ideals and the communal response to it that is shaped in the frame of "organized religion". There are various examples, of non-compliance of what Muslims do despite the Koran forbidding it. Therefore, "why should be Islam held responsible for the faults of Muslims?" asks Turner. Equally, as we cannot take accountable the Christianity for all the atrocities carried out by Christian Hitler under frustrating silence of the Vatican?

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[5] Colin Turner, *Islam, the Basics*, Routledge, London, 2006, p.3.
[6] Ibid.

Therefore, it cannot be wrong to say that although "there is overlap between all of these different approaches to Islam, [...] one can only conclude, as many have, that there are as many kinds of Islam as there are individual Muslim."[7] However, such understanding of Islam is not aimed at reaching a reductionist analysis of Islam as a loosely and boundless religion which can be defined and practiced by anyone who likes to proclaim it. Rather, it is to illustrate the capacity and potentiality of Islam of to be a conclusive form of emancipation for the totality of mankind. Peter Clarke beautifully utilises Gellner's comparison between Islam and Christianity by saying: "one of the most striking aspect of this religion as it has travelled and developed beyond its original homeland is, to use the biological concept of homogenises, likeness of offspring to the parent body, and the theoretical absence of a Church, and hence of a central authority on Faith and Morals", so as we witness "there is no obvious agency which could have enforced this homogeneity."[8]

The abovementioned introduction on Islam is essential for when we turn towards the alleged contradistinction between Islam and democracy. That is a debate fuelled largely by overemphasis on intrinsic contradiction between democracy that emanates from common law and the Islamic law enshrined by the divine religion of Islam. In short, there are two main understandings over the meaning and implementation of the Islamic law. Gellner describes Islam in its pure form as "the blueprint for social order. It holds that a set of rules exists, eternal, divinely ordained, and independent of the will of men, which defines the proper ordering of society." However, Turner tells us a different approach on seeing the Islamic law. He states:

> Both Muslims and non-Muslims alike continue to talk about 'Islamic law' or 'Islamic theology' as though these terms actually signify something. They do not. For the qualifier 'Islamic' implies that whatever is so described carries the kind of divine sanction that renders it immutable and definitive. To describe a law as 'Islamic', for example, is to say that it is representative of Islam and thus somehow sanctioned by God.

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[7] Ibid.

[8] First part of the quotation is of Gellner quoted and added by Peter Clarke in *The World's Religions, Islam*, (ed) Peter Clarke, intro, Routledge, London, 1988, p.3.

> Yet in reality, law as a discipline is a human endeavour, and as such a wholly fallible one.[9]

Here it is crucial to remind ourselves of the deliberate absence of central and official authority in Islam. Based on Koranic description there are three fundamentals of Islamic belief: belief in Divine Unity (*tawhid*), belief in prophethood (*nabuvah*); and belief in resurrection and the hereafter (*ma'ad*).[10] The issues of political governance and the establishment of an all-encompassing political rule have no presence in the Koranic terms of Islam. However, the creation of an Islamic *Umma* in Medina under the Prophet Muhammad's (S) rule has been perceived for many as a proof of an inevitable intermarriage of Islam and governance. Evidently, although as God's messenger, Muhammad's (S) religious leadership of the Muslims was sanctioned by divine decree, his political leadership and jurisdiction in Medina comprising both Muslims and non-Muslims could not have been justified merely by his position as God's Prophet. To solve the dilemma, the political institution created by him was based on a series of agreements known collectively as the 'Pact of Medina'. It is utterly important to note the delicate path of consensus seeking approach taken by the Prophet in order to materialise a unified community under his rule.

Regarding Islamic law, we face both academic criticism and a media frenzy condemning it as a kind of return to the uncivilised way of life. But what is the Islamic law really about? [11] What are the constituents of this law? Is its totality really the same as it is portrayed in the West? Neal Robinson asserts: the aim of Islamic jurisprudence or *fiqh* is to understand God's law.[12] The reproduction of the term law for the purpose of describing the framework of Islamic thought can be confusing. Ironically, this term for many critics and advocates at the same time meant implementation of temporal legislation based upon the Islamic (Divine) recommendations. However, by combining the two ostensibly different criteria mentioned above (Turner's and Gellner's) we can conclude that people are given the

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[9] Turner, *the Basics, Islam*, p. 69.
[10] Ibid, p.73.
[11] It is crucial to note that throughout the history of Islam the *fiqh* has performed as the most important academic discipline which supported and produced its own philosophical and political discourse, literature, art and in one word: civilisation. Thus, treating it as merely a series of extravagant superstitious is totally ignorant.
[12] Neal Robinson, *Islam: A Concise Introduction*, Routledge Curzon, London, 1999, p.149.

option of accepting the "Divine Guidance"[13] and once that guidance is adopted by them as law, that legislation does not merely bear its divinity but human temporality. In other words, it is still divine in theory but temporal in practice, simply because its reinforcement is bound to be carried out by humans.

The Islamic Guidance has two principal components: *furu'-al-fiqh* (branches of understanding) and *usul al-fiqh* (roots of understanding). According to Robinson, *furu'-al-fiqh* consisted of various regulations grouped in topics under two main headings: first *i'badat* or acts of worship (purity, prayer, almsgiving, fasting and pilgrimage), and second *mua'malat* or interpersonal acts such as: family law, mercantile law, criminal law and so on. The *usul al-fiqh* is concerned with the categories of law as to clarify which regulation or act under what circumstance is obligatory, recommended, permitted, disliked or forbidden; the sources of law (varied depending on which school is concerned) includes Koran, Tradition (*Sunna*), consensus, analogy[14] and intellect. The two latter cases are respectively the rules for extrapolating norms from the sources which are the rhetorical devices (use of analogy) and the theory of *ijtihad* (use of intellect) or the exercise of independent judgement.[15] The conductors and members of such scholarly elaboration are known as the ulama.

2.3. THE ULAMA

It is a frequent and essential usage of the term ulama in this thesis and of course relevant literature in this field. Therefore, important to know who are the ulama and what authorities a section of them claim to possess and finally where did their unrivalled status come from? The term ulama literally means those who have knowledge (*ilm*). Here we have no space to open a discussion over the fundamental differences between *what* is known and called "knowledge and science" in modern

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[13] It is preferred to use this term: Divine or Islamic Guidance, however, due to frequent usage of Divine or "Islamic law" in relevant literature, we might use it as a well established term without assuming its terminological implications.

[14] Robinson, *Islam*, p.149.

[15] The acceptance of the source of intellect and its offspring *ijtihad* is exclusive to Shi'ism and analogy to Sunnism.

terminology and equally *what* indicates of "knowledge and *ilm* (literally: science)" within the Muslim or religious context. But we just present a background of how the ulama emerged as one of main source of reference in Muslim societies. The ulama first performed as interpreters of Koran and transmitters of Tradition (*Sunna or hadith*). Through categorising and classification of such divine manuscript and the Prophet's quotations, they started elaborating and outlining the Islamic law (*Shari'a*). They also were essential in educating the public both in religious scholarly and general literature and even math and science.

The emergence of various *madrasa* (residential seminaries) was instrumental in fixing the superiority of the ulama in training the elite in various fields. "These medieval institutions developed a rigorous circullium centred around instruction in the law, training future jurists, theologians and most importantly state functionaries."[16] This system of higher education was the first in a series to link the ulama to political authority. The ulama are also referred as a class with the membership of judges and lawyers with the legal skills critical to regulate the Muslim society in both social and commercial matters such as will, marriage and trade. According to Zaman, until mid nineteenth century, state bureaucracies in the Middle East employed members of the ulama as tax collectors, scriber, secretaries and market inspectors. To this end, the ulama formed a cultural elite and sustained the respect and authority over the Muslim masses. This way, they were also involved with the state apparatus, at the same time, were perceived as the true guardians and interpreters of Islam.[17]

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[16] Muhammad Qasim Zaman, *The ulama in Contemporary Islam: Custodians of Change*, Princeton, NJ, Princeton University Press, 2002, p. 34.
[17] Ibid.

2.3.1. THE SHI'A JURISPRUDENCE

There are four principal schools of law in Sunni Islam[18] with nuanced differences in approach for explaining and implementing Islamic law which are out of our scope and one main school, Twelver Shi'ism or *Ithna A'shari*.[19] The concept of legitimacy, necessity and formation of political rule has been an essential ingredient of Shi'ism throughout the centuries.[20] The more inclusive capacity of *usul al-fiqh* in Shi'ism which includes intellect and independent judgement along with other fundamental sources of Islam utilised the possibility of rational debate concerning political order. Robinson argues that "Shiite reflection on *usul al-fiqh* began in earnest in early eleventh century Bagdad with scholars who were influenced by the rationalism of *Mu'tazila* theology."[21]

Shaykh Mufid who we can refer to as an early definer of Shi'a theology, accepted the pre-eminence of the Koran and the Shi'a Tradition.[22] But he argued that reason should be used to interpret texts which appeared partially contradictory.[23] He decisively rejected the use of analogy as a source of understanding due to its possible false consequences or the fallacy of undistributed middle; instead he put emphasis on *ijma'* as the consensus of the Islamic community. Thus, Mufid by being content with the authority of traditions, tended to reject those which were contrary to reason. Another influential figure to shape the Shi'a school of law is *A'llama Hilli* in the fourteenth century. He also argued for the importance of independent judgement (*ijtihad*) but emphasised that this source should be applied exclusively by the jurisprudents, that meant a significant development in socio-religious *status* of the jurisprudents (increase in their prerogatives). In other words, it means that an ordinary believer should follow the decisions of a living religious authority known as a *mujtahid*. This

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[18] The *Hanafi* School, the *Maliki* School, the *Shafi'i* School and the *Hanbali* School.
[19] Since the majority of the populace of the target society (Iran) are Shi'a and the political system is also attributing itself explicitly to Shi'ism, our enquiry revolves according to Shi'a School of Islam.
[20] Here it seems necessary to explain that the division caused by emerging Shi'ism in early years of Islam relates to the concept of who was ought to be considered as the Prophet's successor. One decisive issue which is always been neglected is that the core claim of Shi'ism could be about the Prophets' religious successor, not the Prophet's political successor. As if it was about political succession, how Imam Ali, for example, conceded to cooperate with three elected Caliphs without a single attempt to restore his proclaimed political leadership for 25 years.
[21] Robinson, *Islam*, p. 156.
[22] It means the tradition (Sunna and Hadith) of both the Prophet and twelve Imams.
[23] Robinson, ibid.

reasoning has been employed by recent Shi'a jurisprudents[24] to prove their righteous leadership of the Muslim populace and building the concept of *wilayat al-faqih*.[25] However, through deductive reasoning we can argue that since *mujtahids* are fallible human beings, their independent judgement can be fallible too, therefore subject to change and temporal.[26]

Demographically speaking, despite some Shi'a dynasties whose political rule either lacked the totality of Iran's geography or being short-lived, it was under the Safavid Empire that Iran emerged as a Shi'a state. The Turk-origin Safavid dynasty was Shi'a, and established a central authority in Iran comparable with the pre-Islamic era in terms of territory and control. The new political order under the Turkish descendants of Safi Ali Shah[27] needed a uniting element to form a new integrated Iranian state, and that was spreading the adherence to Shi'ism. This conclusion seems more realistic when the most eminent rival and enemy of the Safavid were the Ottoman Empire as the leader of Sunni world. Thus, the Safavid government invited many distinguished Shi'a scholars from South Lebanon, Iraq and Bahrain to Iran. The immigrant jurisprudents were welcomed and given positions as preachers, teachers and assisting government bureaus in the handling of judicial and social matters.

Apart from the increasing involvement of Shi'a jurists in cooperating with and assisting the Safavid government—despite clear indications of its illegitimacy due to its impious and fallible rulers (which we will turn to in the next section), an important phenomenon occurred in the field of Islamic Philosophy. Julian Baldick points to "brilliant revival of philosophy in Safavid Iran". He asks "why did this take place, when in the rest of the Muslim world philosophy, and indeed theology, had effectively been suppressed?"[28] The explanation he provides for such a moot point seems plausible and enlightening: "the theological positions of Shi'ism, taken over from the *Mu'tazila* sect, which had borrowed its methods from Greek philosophy." [29]

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[24] Since Safavid era.
[25] The origins and the logic of the concept of *wilayat al-faqih* will be discussed in the following section of this chapter.
[26] We will utilise this deduction in our conclusion to establish the congruity of Shi'a Islam and core concept of democracy, not to be mixed by contemporary models of democracy.
[27] A Turk but Shi'a Sufi lived in Ardabil North West of Iran in fifteenth century.
[28] Julian Baldick in *The World's Religions: Islam*, (ed) by Peter Clarke, Routledge, London, 1990. p.56.
[29] Ibid.

This development laid the foundation stone for Shi'ism itself to be divided into two patterns of inferences: *Usuli* (principalist) and *Akhbari* (traditionalist). The pioneer of this philosophical revival is Mullah Sadra in the seventeenth century who revolutionised the philosophical discipline of Shi'ism by founding a kind of "existentialism". According to him "existence" itself is original and prior to the essence of things, therefore, "being" in its acts of existing, produces essences, which, since they are not original, are changeable. [30] Built upon this philosophical reasoning Sadra broadly succeeded his predecessors in deepening and liberating the Islamic philosophy from its conventional self-restrictions.

The division between *Usuli* and *Akhbari* as two patterns of inferences was based on discerning the authority which each pattern confers on Shi'a jurists for the interpretation of Islamic theology and law. The *Akhbari* method insists that the jurisprudents' understanding originates with and conforms to the canonical sources of religion (Koran and Tradition), whereas the *Usuli* method holds the self-authority of qualified jurist to exercise and utilise his own independent judgement which is *ijtihad* alongside conventional sources. By the eighteenth century, the *Usuli* method prevailed in the Shi'a school of Islam. There are two possible explanations for such a significant development and assuming each of these explanations will provide us with two perspectives on how to define the concept of political Shi'a and its surge to proclaim political rule.

The first perspective which is held by the majority of scholars—predominantly Western—attributes the rise and attraction of the *Usuli* method—in comparison with *Akhbari*—that lies in its empowering Shi'a jurisprudents with massive political supremacy.[31] Since the exercise of independent judgement is granted, the jurist can issue a religiously bounding order (*fatwa*) whether or not there is explicit indication pertaining to the issue in the Koran or Tradition. However, as a second perspective, we can suggest that the rise of *Usuli* method can also be seen in the line of the Shi'a evolutionary trajectory inherited from the embodiment of rationalism (*i'tizalia*) from its nascent periods. In other words, why should we not see it as a self-modernising-ability of Shi'ism to free itself from traditional and conventional scholarship. Of

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[30] Ibid, p.57.
[31] Such as Neal Robinson, Julian Baldick and Colin Turner.

course, this theoretical manoeuvring could be utilised by some jurists or politicians for fulfilling political ends.[32] Thus, by mentioning the second explanation, we now can turn towards the controversial concept of *wilayat al-faqih* or the rule of jurisprudent. In the following section we present a brief but historical-theoretical analysis regarding this concept. We will try to better understand the development of this concept, and see how from being a guidance for Shi'a population—either on individual or interpersonal level—it has become a "full-fledged theory of political leadership".

2.3.2. THE CONCEPT OF JURISPRUDENT RULE (*WILAYAT AL-FAQIH*)

The issue of *wilayat al-faqih* or the guardianship of the Islamic jurist holds two theoretical and practical dimensions. The practical dimension will be extensively discussed in the next chapter alongside other aspects of the constitution of the Islamic Republic. But the theoretical account will be analysed hereafter. To begin, we need to know that the concept of fallible rule (*hukumat-i qayr-i ma'sum*) had long been a matter of contested debate between Shi'a jurists. As a matter of fact, the most obvious difference between Shi'ism and Sunnism was over the issue of succession of the Prophet and the firm stance of Shi'ism on the righteous rule of Imam Ali and his sons as infallible Imams. One may quickly notice the seemingly undemocratic and hereditary nature of succession in Shi'ism in comparison with apparently democratic and consensus-driven approach of Sunnism. But, the underlying explanation that is often ignored is the difference between political succession and spiritual succession.

In terms of succession of the Prophet, Sunnism and Shi'ism represent essentially two different approaches, in particular, when "the Prophet died without leaving clear instructions about who was to succeed him as leader of the community."[33] It is difficult to believe that a religion which has superseded any other religion in terms of instrumental guidelines and regulations accidentally leaves the very eminent issue of succession without clear indication. In contrast, it is more likely to assume that such lack of evidence is intentional and also an essential part of understanding Islam.

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[32] As for example, liberalism has been used for fulfilling other political ends.
[33] Robinson, *Islam*, p.163.

Robinson argues that "in the face of this crisis [demise of the Prophet and not having decided the successor] the majority whom we may think of as proto-Sunnis, assumed that the era of the Prophet's charismatic authority was over and done with."[34] As a result, the majority "sought a return to a routine stable life… [and] fell back on principles which had prevailed in pre-Islamic Arabia: respect for seniority, and the pre-eminence of the Quraish tribe."[35]

Such criteria were followed for choosing the first four Caliphs. Robinson also rightly recognises the distinction between the role of Caliph as political leader and Imam as religious and spiritual guide. What we can extract from the above analysis is to learn that despite all the allegations that Islam is an intrinsically political religion which is most concerned about seizing political power, it remains silent over political succession and transition of power. In fact, it leaves ample room for both Shi'a and Sunnis to speculate. Therefore, as Turner points out, the religion of Islam is not political in essence but through the course of time and due to socio-political necessities has become politicised.[36]

The concept of *wilayat al-faqih* ought to be conceived as an evolutionary theory developed within the Shi'a jurisprudential system to fulfil the societal needs, in particular when it is asked to take the responsibility in absence of appropriate institutions. This initially socio-religious concept gradually gathered a political dimension over the course of centuries and became the keystone of the Islamic Republic of Iran in 1979. The majority of nascent transcripts of Shi'a jurisprudence were chiefly concerned with the concept of the Hidden Imam and his messianic return as the Twelfth Imam. Therefore, there is little evidence of early Shi'a jurists' elaborations on taxation, execution of penal code, Jihad, directing to the good and preventing what is prohibited (*amr bi ma'ruf va nahy az munkar*), and upholding the sermon of Friday Prayer.

Hamid Algar argues that "Shi'a jurists held a negative resistance against political power along with rejecting its righteousness. Nevertheless, overthrowing of this

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[34] Ibid.
[35] Ibid.
[36] See Colin Turner, *Islam: the Basics*.

government was not recommended too."[37] Even in the early decades after occultation, the main focus of Shi'a jurists were to emphasise the absolute illegitimacy of any fallible rule.[38] In other words, the essence of Shi'ism exclusively designates the role of Imam for only the twelve infallible descendants of the Prophet Muhammad (S) and no other person under any circumstances.[39] We may interpret the determining position of Shi'ism regarding imamate with termination of the Prophethood by demise of the Prophet Muhammad (S), as one of core defining elements of Islam.

The illegitimacy of fallible rule was the dominant perception until the commencement of the trans-transcription era or rationalism (*i'tizalia*) in Shi'a jurisprudence.[40] Statistically, too, the amounts of Traditions which referred to as for denial of fallible rule were of greater in number. However, in the trans-transcription era the references to the Traditions which extrapolate the necessity of government in the Muslim community were augmented. To give a better understanding, in the following passage, we mention salient examples of the Traditions which represent both the pro-establishment and anti-establishment attitudes of Shi'a Islam:

A- Traditions that emphasise the illegitimacy of fallible rule:

1- Imam Reza (the 8th Imam): the Imamate has the same privilege of the Prophethood… And it is because of Imam that the principles of Islam like prayer, fasting, almsgiving, pilgrimage, Jihad and execution of punishments can be exercised and preserved.[41]
2- Imam Sadiq (ja'far bin Muhammad, the 6th Imam): Government and execution of Islamic law plus the Friday prayer cannot be undertaken except under [infallible] Imam's rule.[42]
3- Imam Sadiq: the Imam whose verdict is obligatory is from us.[43]

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[37] Hamid Algar, *Din va Dawlat dar Iran* (Religion and Government in Iran), trans, Abulqasim Seri, Tehran, Tus Publication, 1366 (1987), p. 21.
[38] Shaykh Tusi, *al-Nahayi fi Mumujrid al-Faqih val-Fatawi*, trans, Muhammad Taqi Danesh Pazhuh, Vol-1, Qum, Iran, Bita Publication, pp.207-208.
[39] Ibid.
[40] Trans-transcription era is the equivalent to *fara-nass garaie* in Persian
[41] Al-Kulayni, Muhammad Yaqub, *Usul al-Kafi*, Publication: Daftar-i Nashr-i Farhang-i ahl-al-Beyt, Tehran, Vol. 1, p.199.
[42] Hussein Ali Montazeri, *Dirasat fi al-Wilayat al-faqih*, Publication: Markaz-i A'lam-i Islam, Qum, Vol.1, p.140.

4- Imam Ali: No war is permitted without the Just Imam, and no fight is correct without pious Imam.[44]

The explicit meaning of these Traditions whose accuracy and correctness is well-known in Shi'a jurisprudence demonstrate the illegitimacy of any fallible rule since the Imamate as the right and just succession of the Prophet occupied by the Caliphs. Such Traditions are representative for evolving the theory of "absolute imamate" and total rejection of any fallible rule. Hashem Aqajari explains the initial but official Shi'a position by saying: "Since the political leadership of society is bound on the two key elements of infallibility and transcription's (Koran or Tradition) approval, any government except the rule of infallible is considered unjust. It was the case for any movement or revolt even against oppressive rule if not authorised and led by infallible Imam."[45] Therefore, the genuine Shi'a jurisprudence holds that the political legitimacy descended from prescription and transcription (*nasb va nass*).

B- Traditions which extrapolate the necessity of government and disallow the state of anarchy:

1- Imam Ali: it is God's obligatory decree on the Muslims that if the leader has died, or is killed, whoever he was, either astray or guided, oppressive or oppressed, do nothing, unless they have elected a leader who is chaste, knowledgeable and informed of judiciary and Tradition.[46]

2- Imam Reza: We do not know any nations that survive without having a sage chief, since in dealing with both temporal and sacred affairs is no other option.[47]

Having compared the abovementioned Traditions, I proffer the existence of two Shi'a perspectives regarding the issue and applications of government: the Privative view

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[43] Muhammad Baqir Majlisi, *Bihar al-Anvar*, Publication: al-Wafa, Beirut, 3rd edition, 1403 (Islamic year), p.23.
[44] Kulayni, *Usul al-Kafi*, Vol.1, p.303.
[45] Hashem Aqajari, *Yadman-i Khatami* (An Academic Collection for the Memorial of Ayatollah Ruhollah khatami), with assistance of Muhammad Taqi Fazil Meybudi, Publication: Imam Reza' Islamic knowledge Institution, Qum, 1376 [1997], p.188.
[46] Montazeri, *Dirasat fi al-wilayat al-faqih*, vol.1, p.179.
[47] Hur Aamili, *Vasayel al-Shi'a*, vol. 11, p. 131.

(*salbi*) and the affirmative view (*ijabi*). It should be born in mind that the privative or initial view not only disapproved any fallible government, but also prohibited any cooperation of the jurists with such government too. From the Tenth century, the affirmative view on government gained strength within some Shi'a jurisprudents. The lengthy duration of the period of occultation swayed the jurisprudents to revise their firm stance on the illegitimacy of any cooperation with current government, in particular when the government was Shi'a and intended to protect and promote Shi'a faith. The argument centred on the necessity of guiding Shi'a believers in fulfilling their religious obligations and also observing the implementation of Islamic law.

We can argue that if the jurists were to refuse further from upholding and arranging the implementation of religious duties, the whole community would lose its integrity. The socio-religious history of Iranian Shi'a shows that unlike the Vatican position during the Medieval Ages; it was the people who enthusiastically sought guidance and leadership from the jurisprudents and not vice-versa. In short, the jurists were encouraged to take up some responsibilities which hitherto were assumed exclusively for the infallible Imam. One must note that these duties had as yet no overlap with political rule and just related to socio-religious affairs. The entrance of Shi'a dynasty of al-Buyyid as new conquers of Bagdad and their honouring of Shi'ism and their support for performing Shi'a rites softened the privative view and paved a fresh route for a new independent judgment (*ijtihad*).

Shaykh Mufid was the first revered Shi'a jurisprudent who discussed and created an exception on the issue of cooperating with the sultan (ruler), while the prohibition of any kind of cooperation with fallible rule was always a canonical principle in Shi'a jurisprudence.[48] Mufid amended this canonical code by saying: "helping the fallible rulers in accomplishing a just matter or obligatory matter is allowed. This cooperation is only permitted for the ones who have been permitted to do so from infallible Imam, and not otherwise."[49] It was an unprecedented opening in Shi'a jurisprudence to ratify any kind of collaboration with fallible ruler and commenced what we can call the jurisprudence of government (*fiqh-i hukumati*). In other words, Shaykh Mufid

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[48] With an exception of urgent occasions of religious questions (*istifta'*).
[49] Shaykh Mufid, *Masr-al-Shi'a fi Mukhtasar Tawarikh al-Shari'a*, in Silsile Mu'alifat-i Shaykh al-Mufid, Publication: Dar al-Mufid, Beirut, 1414 [...], p.44.

balanced between the concept of occultation and the necessity of political order in terms of protecting and promoting people's life according to Shi'a principles. He justified the vouchsafing of some matters from the infallible Imam down to the jurisprudents under the title of "general vicegerency" (*niyabat-i a'amma*).

He replied to his opponents by saying: "the prolongation of the duration of occultation may cause to the cessation of the Islamic law in terms of its implementation such as judicial law and Jihad which is necessary for protecting the Muslim community against external threats."[50] Mufid's deductive verdict was based on the manner of the Prophets who communicated their message with the remote people through their representatives.[51] In so doing, he could make an analogy between the prophets' messengers and the jurists who were supposed to preserve and promote Shi'a theology as vicegerency. Through this development, the exclusive religious and jurisprudential functioning of the infallible Imams was shifted toward Shi'a scholars and jurists. In fact, the new interpretation assisted jurists to declare their new position as a source of emulation. Again this emulation is in regard to religious and judicial issues and is excluded from political subjugation.

Aqajari argues that "by the explicit and specific comprehension of Shi'a jurists on exclusive political authority of infallible Imam, the alteration of such well-established reading seemed impossible."[52] However, Mufid's elaboration greatly changed the moral ground of the previously isolative approach of Shi'a jurists, Aqajari adds. He also explains how Shaykh Mufid confirmed the eligibility of jurists to interpret the Islamic law: "since for people new cases are occurring in time without clear indication in jurisprudence which need respective verdicts, it is therefore, obligatory for a lay person to consult with Shi'a jurist in order to receive his/her religious decree."[53]

Another influential Shi'a jurisprudent was Shaykh Tusi whose efforts to categorise the authority of jurists under the title of *wilayat al-faqih* (jurist rule) are essential. He

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[50] Ibid.
[51] Shaykh Mufid, *al-Masail-i al-Saqani-i*, Silsili Mu'alifat-i Shaykh Mufid, Publication: Dar-al-Mufid, Beirut, 1414 [ ] p.106.
[52] Aqajari, *Yadman-i Khatami*, p.188.
[53] Shaykh Mufid, *Masar al-Shi'a fi Mukhtasar Tawarikh al-Shari'a*, p.15.

believed in the "necessity of imamate".[54] In his famous book: *Tahzib al-Ahkam* (Refining of the Rules), he attributed the fundamentals of his judgement to Shaykh Mufid's readings on the authority of jurists to take up socio-religious duties and added the obligatory duty of jurists to undertake judicial duties whilst the Just Imam is hidden. He also permitted jurists to cooperate with the suppressive government if that leads to upholding divine regulation between people. However, he reserved the right to vouchsafe such authority merely by the infallible Imam, that without his permission any ruling on people and judging is not authorised.[55]

Many scholars consider Shaykh Tusi the one who inaugurated and justified the idea of jurisprudent rule (*wilayat al-faqih*). The overall impression from his scholastic collection authorises jurists to interfere in societal matters, but there is a decisive condition to which he refers, which has been mainly neglected by researchers. In his book, *al-Mabsut fi fiqh-i al-Imamia* (A comprehensive Account on Imamia Jurisprudence), he explicitly preconditioned any interference by the jurists in dealing with socio-judicial issues if not bearing any possible damage to his own or any other Muslim's life.[56] It is also noteworthy that although Shaykh Tusi deemed having a government necessary, he did not relate it to the concept of legitimacy as he strictly held the same mainstream of Shi'a reading on the illegitimacy of fallible rule.

Jamile Kadivar in her book, *Tahawwul-i Guftaman-i Siyasi Shi'a dar Iran* (the Discursive Shift of Political Shi'a in Iran) argues that from the occultation until the Safavid government, one cannot find an independent book or thesis written by a Shi'a jurist on political affairs. Unless we assume that judicial performance including mediation and execution of punishment, performing as Imam at Friday Prayer and dealing with inter-personal matter (*umur-i hisbi*) are bearing political weights.[57] All in all, there was always a fierce debate between Shi'a jurists on whether a jurisprudent can perform the responsibilities that are strictly for infallible Imam and, if yes, under what conditions. Through reading the majority of texts written by famous Shi'a jurists

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[54] Montazeri, *Mabani Fiqh-i Hukumat-i Islami*, trans, Mahmud Salavati, Publication: Bita, Qum, vol.1, p.21.
[55] Abu Ja'far al-Tusi, *al-Mabsut fi Fiqh-i Imamia*, Publication, Matbaq-i Hiydariyyih, Tehran, 1378 [1999], pp.283-284.
[56] Ibid, pp.284-285.
[57] Jamile Kadivar, *Tahawwul-i Guftaman-i Siyasi Shi'a dar Iran*, (The Evolution of Political Shi'a Discourse in Iran) Publication: Tarh-i Naw, 2nd edition, Tehran, 1379 [2000], p.63.

we can find a consensus by which they all have come to the conclusion that permits jurists to act in judicial and religious matters under two conditions of: first, being "qualified jurisprudent", and second, acting upon as the general vicegerency of Just Imam. The expansion of the jurisprudents' duty and authority within society altered the practical meaning of term: *wilayat*, which primarily meant: closeness, companionship, friendship and guardianship, but gradually acquired connotations of rule and sovereignty.

We can categorise the political thought of Shi'ism into five historical periods. First is the Imamate period (10-329 H.G).[58] In this era Shi'ism was established on the bases of Imam Ali and his eleven sons for 250 years until the occultation of the twelfth Imam. This period is extended until year 329 in which the last "special vicegerency" [59] was died.[60] The second period covered from 329-905 H.G and can be named as the era of the Just King or Sultan. In this period the original balance and stability of spiritual belief in Shi'ism was challenged, and most Shi'as did not know their exact duty given the absence of the Just and righteous Imam and the presence of illegitimate and fallible rulers.[61]

Therefore, the grand Shi'a jurisprudents like Ibn Abi Ziynab Amani, Shaykh Mufid, Seyed Murtaza and Shaykh Tusi launched a series of scholastic and philosophical arguments to prove the existence of Hidden Imam on one hand. On the other hand, alongside considering the illegitimacy of fallible rule, they tried to reconcile the ideals of Shi'a belief and the practical reality of political rule. The main dilemma in this period was whether or not to authorise any cooperation and co-ordination between Shi'a jurisprudents and the current rulers. In other words, the main focus was to

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[58] That is started from the Prophet Muhammad's demise ten years after emigration (*Hijrat*) to Medina that is equivalent to year 631AD till 941 AD.

[59] According to Shi'ism, there were four special vicegerences who were appointed by the Twelfth Imam and after them; nobody can claim being appointed or having direct consultation with him. That's why the term general vicegerency is used afterwards.

[60] Hassan Yusufi Eshkevari, *Tashau': Siyri dar Farhang va Tamaddun-i Tashau'* (A Journey Through Shi'ism's History and Civilisation), "*Andishaha-i Siyasi*" (Political Thoughts), in *Dai'rat al-ma'arif-i Tashau'* (The Encyclopaedia of Shi'ism), Tehran, Publisher: Saeed Muhebbi, 1371 [1994], p. 273.

[61] Ibid, p. 285.

establish an extensive collection of Shi'a jurisprudence in private and judicial issues rather than public issues.[62]

The third period is that of giving legitimacy to the Just King (905-1324 H.G) that appeared during the Safavid Empire and extended through the Qajars. The main focus of this era was to justify the government and kingdom of Shi'a kings according to Imami jurisprudence.[63] Although still the Shi'a jurists maintained their explicit belief in exclusive right and authority of Infallible Imams to rule, they argued that during the occultation, it is up to the Shi'a jurisprudents to act as Imam vicegerency not only as their right but also as their duty. Hence, there is a mutual relationship between Jurists and Imam on one hand, and jurists and people on the other hand. The first is called *niyabat* (vicegerency) and the latter is *wilayat* (guardianship). Ever since, a majority of Imami jurisprudents proclaimed themselves as vicegerence of Just Imam and therefore: *wali faqih* (guardian or leader).[64]

Mirza Muhammad Ali Kashmiri, a Shi'a jurisprudent during last decades of Safavid Empire, concludes that "during the occultation, it is the qualified jurisprudent who is representative of the Hidden Imam, whoever he is, in order to uphold the divine law (*hudud-i ilah-i*) and because the issue of government and commanding the army is not for the jurists, they vouchsafe it to the right king of the time."[65] However, the reality was different and as the governmental decrees during the Safavid era indicate, it was the king who appointed the highest religious positions such as *Sadr* (revered), *Shaykh al-Islam* (Islamic jurist) or *Imam Juma'* (Friday Prayer Imam). In short, although some jurisprudents had asserted a kind of carte blanche for themselves in terms of comprehensive rule under the theory of vicegerency, there is no evidence of claiming political rule. We can name this period as "kingdom and guardianship" through which the Shi'a jurisprudence divided its authority into religious-judiciary issues (*umur-i Shari'*) and communal or political issues (*umur-i u'rfi*). The first was constantly

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[62] Mohsen Kadivar, *Nazariyah-haiyyih Dawlat dar Fiqh-i Shi'a* (the Theories of Government in Shi'a Jurisprudence), Tehran, Publisher: Nashr-i Ney, p. 13.
[63] Hassan Yusufi Eshkevari, ibid, p. 289.
[64] Seyed Hassan Amin, in *Kiyan*: "Hakamiyat va Hukumat dar Fiqh-i Shi'a va Sunni" (Sovereignty and Government in Shi'a and Sunni Jurisprudence), Vol. 5, No. 24, March April 1994, p.32.
[65] Mirza Muhammad Ali Kashmiri, *Nujum al-Samma* (the Astronomy of Skies), Qum, Publisher: Basirati, p. 111.

elaborated to become more exhaustive than ever, and the latter was assumed by Shi'a jurisprudents vouchsafed to the political rule of the Shi'a Sultan.[66]

The fourth period begins with the advent of constitutional movement in Iran (1906-1979). The introduction of constitutional reform through establishing the parliament undermined the hitherto totalitarian Iranian state. Consequently, the traditional Shi'a thought faced with challenges. The new developments initiated a series of debates within different circles of the Iranian upper and middle classes including: clergy, civil servants, land owners and merchants. A very fundamental question, was raised as to determining whether the right of sovereignty belongs to the people or to one person as king. The entrance of modernism into Iranian society and the turbulent nature of world affairs had eased the waves of relative liberalisation that hit both the socio-economic and political fronts of Iranian state.

No doubt, the absolute inefficiency and malfunction of Qajars contributed hugely to welcoming perception of Iranian society to liberal ideas, including surprisingly, the clergy. The new attractive paradigm seriously challenged the disastrous status quo imposed by the Qajar dynasty through overhauling the absolute monarchy into constitutional one. Muhammad Hussein Nai'ni in his crucial book *Tanbih al-Umma va Tanzih al-Milla* tries to make a linkage between constitutionalism and the general vicegerency of the Twelfth Imam. He again argues that any fallible ruler is illegitimate, however, limiting this rule through constitutionalism, although it does not make it legitimate, is better than leaving it unrestricted and absolute.[67]

Nai'ni's argument is also aimed at giving jurisprudents a political role, and observing and vetting capability over legislation of the parliament. Via this measure, he intended to provide a religious legitimacy for the legislations passed by an elected assembly whose verdicts ought to be binding on the government and the people. This period can be identified as an era of "observance and constitutionalism" with special reliance on emancipation and egalitarianism. In other words, in this period, the government came under the scrutiny of an elected assembly empowered by the constitution and the

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[66] Mohsen Kadivar, ibid, p. 12.
[67] Muhammad Hussein Nai'ni, *Tanbih al-umma va Tanzih al-Milla*, intro, Ayatollah Seyed Mahmud Taliqani, Tehran, Publisher: Sherkat Sahami Intashar, 1378 [1999], p. 51.

congruity of legislation with the Islamic principles was secured through the vetting authority of five jurisprudents introduced by the sources of emulations and approval of the parliament.

The fifth period commenced from 1979 to date and can be named as the era of *wilayat al-faqih* (jurisprudent rule) that implies the superiority of one Shi'a jurisprudent in terms of legitimate authority to conduct political leadership.[68] The concept of the general guardianship of jurists over all societal issues was first discussed and introduced by Mullah Ahmad Naraqi, whose emphasis was on explaining the necessity of how the religious people's lives ought to be looked after and cared for by the Islamic scholars (ulama).[69] It is believed that the main inspiring text for Ayatollah Khomeini to introduce a full-fledged framework for adaptation of jurisprudent rule was Mullah Ahmad Naraqi's. It should also be noticed that the concept of *wilayat al-faqih* in practical socio-political issues had not been publicised until Ayatollah Khomeini challenged the status quo and pressed for its implementation. In the following passage we explore further the underlying elements and aspects of making a religious state.

2.4. THE INTEGRATION OF RELIGION AND STATE

Apart from the last quarter of the twentieth century, it was widely understood for decades that the role of religion in state is a matter of history. However, the course of events towards the end of millennium proved otherwise and showed that religion can still exercise a great deal of influence over socio-political issues. Ironically, such resurgence of religious sentiment did not only occur in the developing countries but in the most advanced political systems like the United States of America.[70] To justify or explain the reasons involved in the increased influence of religion, different opinions have been expressed. One explanation points out the ever-increasing role of the secular state and its crushing effects on the moral grounds of society as a provocation

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[68] A detailed account on the aspects of *wilayat al-faqih* in the structure of Islamic republic of Iran will be given in Chapter 3.
[69] Jamilah Kadivar, *Tahawwul-i Guftaman-i Siyasi Shi'a dar Iran*, ibid, p. 431.
[70] The revivalism of Christian sentiments by neo-conservatives in the US politics.

for the revival of religious sentiments. This argument is voiced by two different groups: 1- the advocates of the return of religion to public life, and 2- the critics of modernism who see the monolithic character of liberalism-capitalism as creating a need for a reconfiguration of identity.[71]

Here, our focus is not to explore the motives behind the advocacy of religious interference and association in politics; rather, our interest is to find the arguments prescribing such correlation.[72] The critics of religious rule usually focus their criticism on the functional and behavioural level of analysis. Their primary focus is the consequent dictatorship and autocratic nature of most religious governments, which cannot guarantee the implementation of democratic rule. However, they reluctantly ignore the underpinning arguments made by the advocates of religious rule which possess their own philosophical and religious foundations and in respective societies hold great sway. In the following paragraphs a summary of these arguments are stated.

The first and foremost reason offered by the advocates of religious integration with politics (here Islam) is the assumption that Islam is a comprehensive religion and therefore should be rationally incorporated into politics. For instance, Ayatollah Khomeini explicitly argues that since Islam is the last and most complete of religions, it cannot be reduced and understood as merely for individual salvation, but rather is a community code of conduct.[73] Accordingly, human life in this world is connected with the afterlife, and the way in which mundane affairs are handled directly shapes the eternal destiny.[74] This argument holds that worldly prosperity is linked with the afterlife, and assumes that any doubt over whether Islam has a programme for managing all aspects of life in this world is nonsense. In other words, being religious

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[71] Hussein Bashiriyah, 'Din, Siyasat va Tawsi'-ah (religion, politics and development), in *Rah-i Naw*, Vol.1, no. 11, June 1998, p.10.

[72] The critics of religious rule usually focus their criticism on the personal and behavioural level of analysis. Their primary focus is the consequent dictatorship and autocratic nature of any religious government which cannot guarantee the implementation of democratic rule. However, they reluctantly ignore the underpinning arguments made by the advocates of religious rule which possesses its own philosophical and religious foundation and in respective societies does yet hold a great sway.

[73] Ruhollah Khomeini, *Shu'un va Ikhtiarat-i Wali Faqih* (the qualities and capabilities of jurisprudent's rule) translated from the section: Wali faqih of Al-Beiy (Buy), 2nd edition, Publisher: Sazman-i Chap va Intasharat-i Wazarat Farhang va Irshad Islmai, Tehran, 1369 [1990], p.19.

[74] Muhammad Hadi Ma'rifat, *Wilayat al-faqih*, Publisher: Al-tamhid Institution, Qum, 1377 [1998], p.9.

or in this case, being Muslim, makes necessary having a structured ontological and epistemological attitude on the quality of life both individually and collectively. A perusal over many scripts of Islam including Koran and Tradition can be employed as evidence of interconnectedness between Islam and polity.

The second argument attributes the upholding of many Islamic rules conditioned to availability of a political entity, as for being implemented. The proponents of this opinion deny the possibility of implementing issues like Jihad, judging, Islamic finance and directing to good and preventing from prohibited (in a broader sense), without an Islamic government in place.[75] We can distinguish three categories of believers in Islam who consider the Islamic law as valid and obligatory but in terms of collective implementation vary significantly:

1- Fundamentalist Muslims (*wahhabism* and *Salafism*) who seek to establish a society in which all inherited rules and codes of Islam that were understood to be practiced in the time of Prophet Muhammad (S) must be re-introduced and reinforced.
2- Traditionalist Muslims who put the main emphasis on personal worship of God and servitude. Accordingly, acting upon the Islamic rule is necessary, but its success is not subject to its being implemented by the government.
3- Reformist or modernist Muslims who tend to herald the spiritual aspects of Islam. This trend does not believe in the inflexibility of Islam as a religion descended 14 centuries ago, but rather views it as a timeless message for salvation of human beings. Then, of course, adjustable to new situations.

In short, the argument of having an Islamic government as a necessity for implementing the Islamic law seems to be risen from various Islamic scripts. Here we encounter the issue of varied interpretations of religion in different times by different individuals and the hermeneutic of religious scripts. No doubt, this debate possesses a cardinal significance in determining a religious manifestation of government and we will address it later in this chapter.

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[75] For example see: Habibollah Tahari, *Tahqiqi Piramun-i Wilayat al-faqih* (A Research on Jurisprudence Rule), 5th edition, Publisher: Daftar-i Intasharat-i Islami Wabastah bi Jami'ah Mudarasin Hawzah I`lmiyyih Qum, 1377 [1998], p. 197.

The third reason for the advocates of correlating Islam and government is the Prophet's practical method (*sira*). It is an indispensable part of Islam to recognise and identify the behaviour and function of the Prophet as primary and founding source of Islam. Therefore, for many, the establishment of Islamic government by the Prophet in Medina is seen as an explicit model for all Muslims to follow.[76] However, there is a disagreement over the origins of political leadership of the Prophet Muhammad (S). Some attribute his political supremacy to his prophecy and say: he created a government as to fulfil his Prophethood, as other prophets too desired to do so, but were unable to accomplish.[77] In contrast, some argue that there is no direct association between prophethood and establishing a righteous government. In fact, the essence of missionary is in contradiction with exercising political power, unless that is required and approved by the people.[78] But, in general, the popularity of this analysis with the hindsight of Islamic government in Medina is understandable, although it cannot be said to be deductively supported.

The forth argument is based on the view that Islam as a religion takes into account and describes the qualities a ruler must possess in order to be eligible to rule. In fact, the advocates of this perspective connect the divinity of the Prophet Muhammad's government to his successors as to tread his line and be appropriate to sit on his Chamber.[79] The concept of *wali faqih* is a direct product of such perspective which considers Islam as a religion with defined and particular qualities for the ruled and rulers at the same time. We can argue that in an evolutionary process the "descriptive criteria" of an acceptable ruler has ossified and altered to a "prescriptive set of principles" possible to be found merely in a certain type of graduates from seminary schools.[80] This perspective gained permanency during Iran's Islamic revolution and

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[76] For instance, when Khatami was asked to clarify and define his position toward civil society, he replied: the civil society we seek is the same as Prophet Muhammad's (S) *Medina al-Nabbi*, (City of Prophet in Medina).

[77] Ali Rabbani Gulpaygani, "Nabuvvat va Hukumat" in *Khirad*: A Memorandum of the Congress to Celebrate the Revered Pundit Muhammad Taqi Ja'fari, under supervision of Ali Akbar Rashad, Publisher: The Research Academy of Culture and Thought, Tehran, 1376 [1997], p.230.

[78] Shaykh Tusi, Al-risalat-i fi Farq-i beyn al-nabi va al-imam,(An Epistole in differentiating between Imam and Prophet in al-risail al-a'shr, p. 112 quoted by Mohsen Kadivar, *Hukumat-i Wilayi*, p. 263.

[79] Ali Rafi'i, *Takapu-i Andisha-ha* (Quest for Thoughts), A collection of Interviews with Muhammad Taqi Ja'fari, 2nd edition, Publisher: Daftar Nashr-i Islami, Tehran, 1375 [1996], p.327.

[80] For example, it is unimaginable for an excellent graduate of Islamic studies from universities to expect become a member of scholars eligible to be considered as a faqih.

perceived as backbone of jurisprudent rule which accordingly is supposed to be carried out by an educated clergy explicitly in line of seminary scholarship.

However, there is a fundamental rift between the Shi'a scholars on how to contextualise the concept of *wali faqih*. The first group originates the legitimacy and absolute authority of *wali faqih* as a linear hierarchy descended from God down to his last Prophet, Infallible Imams and then obviously to the Shi'a jurisprudents. Accordingly, the jurisprudent guardianship and leadership over people is granted by divine legitimacy and is not subject to collective consent. Nonetheless, the practical exercise of power by the jurisprudent is assumed to be given by popular acceptance and theoretically, in case of disobedience the jurisprudent ruler cannot forcibly govern.[81] The embedded dilemma within this approach is the consequent conclusion of assuming people as interdicted individuals who cannot recognise their goodness and therefore need to be instructed and guided virtually in all aspects. This view can be named as "direct divine legitimacy" (*mashru'iat ilahi bi-vasita*).

A second group of Shi'a jurists[82] tend to ratify a different perspective on legitimate political leadership which can be identified as "public-divine legitimacy" (*mashru'iat ilahi-mardumi*). Interestingly, the adherents of this view do not exclude non-clergy persons to obtain the leadership of Muslim population subject to their being pious and knowledgeable in terms of Islamic framework. They argue that in a broader sense God conveyed His right of rule down to people during the occultation period. This right to rule is protected, legitimate and can be exercised as long as it is congruent with the Islamic law. Based on this view, the *wali faqih* ought to be elected by people either directly or via representatives. As a result, *wali faqih* is not perceived as being appointed within divine hierarchy, but his qualities and responsibilities are conditioned by Islamic law and principles. Also, in case of breaching his code of conduct, in particular losing his justice, he no longer is considered as *wali* or ruler and automatically is sacked.

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[81] Muhammad Taqi Mesbah Yazdi, 'Hukumat va Mashru'iat' in *Ketab-i Naqd* (the Book of critique), no.7, p. 53.

[82] Essential articles of the Islamic Republic's constitution stipulate such an interpretation and recently this aspect of the Constitution and other independent judgment have been echoed by reformist clerics such as Mohsen Kadivar, Yusuf Eshkevari and Muhammad Mujtahid Shabestari.

It is essential to note that there is a consensus in Shi'a jurisprudence over the concept of jurisprudent role (not rule), as being judge and source of emulation in religious practices, if qualified. It of course applies only for the devoted followers. However, as mentioned before, we see a deep disagreement over extending this religious guardianship into political one. Even the group of Shi'a jurisprudents who are in favour of *wilayat al-faqih* still have different opinions on the extent of such authority. [83] Muhammad Mujtahid Shabestari is a prominent Shi'a scholar who has extensively elaborated on the issue of political Shi'a as state religion and in particular the concept of *wilayat al-faqih*. From his works we can extract his opposition to politicised Islam based on his three component argument:

1. The encounter of the Muslim World with modernism and the quest for development.
2. The Islamic Revolution and the introduction of a rational interpretation of Islam.
3. The pathology of the Official interpretation of Islam, the challenges and failures.

In his famous book, "A *Critique on Official Interpretation of Religion*", the main emphasis is put on the "paradigm shift" and the expansion of modern ideas and inspirations into Muslim societies. He argues that whether we like or dislike, the course of history has brought about a new era in which traditional and classic ways of thinking and acting are insufficient both theoretically and functionally. He refers to the general acceptance and desire of modern achievement and progress and concludes that the widespread yearning for technological advance cannot be answered with scholastic debate over what is allowed and what is forbidden according to traditional jurisprudence.[84] In short, his first argument illustrates the challenge Muslim societies are facing to incorporate scientific founding and knowledge which is ultimately in accordance with divine wisdom.

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[83] Seyed Hassan Amin, 'Hakamiyat va Hukumat dar Fiqh Shi'a va Sunni' (State and Government in Shi'a and Sunni Jurisprudence) in *Kiyan*, vol.5, no. 24, 1374 [1995], p.32.
[84] Muhammad Mujtahid Shabestari, *Naqdi bar Qira'at Rasmi az Din* (a critique on official interpretation of religion), 3rd edition, Publisher: Tarh-i Naw, Tehran, 1384 [2005], p.12.

The second reasoning he refers to is the "rational trajectory" upon which the Islamic Revolution of 1979 was initiated, progressed and finally triumphed. As the main slogans of the revolution clearly spelled out, the main aim and goal of this popular movement was "independence, freedom and Islamic Republic". Shabestari furthers his argument by saying that the message of the Islamic revolution as a religiously inspired revolution was to convey the emancipating capacity of Islam as its true essence rather than establishing a monolithic government driven by a particular intra-religious adjudication (*ijtihad-i fiqhi*). Having studied the Constitution of 1980—approved by a majority of populace—we cannot extrapolate that this document is directly presumed from Shi'a jurisprudential knowledge (Koran and Tradition).

Shabestari admits that the charismatic personage of the revolutionary leader, the Grand Ayatollah Khomeini, had a great deal of influence not only over political entities but also peoples' heart and minds. However, he takes into account three defining elements which make the Islamic revolution a product of the socio-religious and socio-political context of Iran rather than a jurisprudential development: 1- the "formation of a new regime" which is in totality a modern structure. 2- The "function and responsibilities" of the new regime which is very similar to other modern nation-states and 3- the "Judicial-political values and orientations" of the new constitution which is a combination of both secular-democratic discourse and Islamic-religious discourse.

Having noticed these parameters, Shabestari concludes that the structure of the Islamic Republic is based on an amalgamation between democracy and Imami jurisprudence. Regardless of examining whether it was a successful or a failure, the point he emphasises is the general and public debate which occurred during the negotiation period proceeding to the ratification of the constitution. For him, the way in which the Islamic Republic's constitution was publicly debated, tailored and ratified is significantly decisive.[85] In terms of legal and political rights, Shabestari signifies the broad category of rights which the new constitution considers for the people regardless of their religious affiliations. It is a grave detachment from traditional and seminary jurisprudence to recognise and uphold universal suffrage in

[85] Shabestari, ibid, p. 23.

terms of citizenry's rights. Regarding the political structure of Islamic Republic and its similarities with conventional form of modern governments, we will extensively study the democratic aspects of the Islamic Republic's constitution in the next chapter.

2.4.1. ISLAM AND DEMOCRACY, A PARADOX OR COMPATIBILITY

With the emergence of the Islamic Republic and implementation of a vast array of Shi'a jurisprudential norms and rules within the new constitution, an unprecedented combination of religion and state came into existence. A famous thinker whose thoughts and theories directly aim at connecting theology and governance is Abdul Karim Soroush. He maintains that "religious law or *Shari'a* is not synonymous with the entirety of religion, nor is the debate over the democratic religious government a purely jurisprudential argument." To prove this, Soroush argues "that jurisprudential statements are different from epistemological ones, and no methodic mind should conflate the two realms." He continues by saying that the "jurisprudential conception of Islam has so occupied certain minds that epistemological arguments are allowed to pose as jurisprudential propositions."[86]

Soroush's critical approach towards a monolithic interpretation of religion and its application in terms of governing doctrine provides us with a ground-breaking framework of intra-religious and extra-religious discourses. In his elaborations on issues concerning democratic religious government, he challenges the critics of such combination and rejects their assessment of the concept of democratic religious government as "preposterous". For him, the critics have built their arguments to prove the inner incompatibility of Islam and democracy on a selective narrative. Therefore, issues such as gender in Muslim societies, theocracy, the absolute authority of jurisprudents, designation of death penalty on apostates, the regarding of infidels as impure, dogmatism of some beliefs and inflexibility of some decrees should not be accounted as evidence of the inherent animosity of religion and religious government towards democracy.

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[86] Abdul-Karim Soroush, Reason, *Freedom and Democracy in Islam: Essential Writings of Abdu-l Karim Soroush*, trans, edited and intro by Mahmud Sadri and Ahmad Sadri, Oxford University Press, 2000, p. 134.

He mentions three obvious errors which are made by three critics. First, for the critics, democracy is equated with extreme liberalism. Second, through this approach religious jurisprudence is severed from its core foundations, quoted out of context, and then presented as evidence. Third, religious democratic government is equated with religious jurisprudential government and attacked as a monolithic whole.[87] It is essential to note that the essence of Islam as an emancipating religion has always been neglected and instead both its adherents and opponents have been keen on stressing its jurisprudential aspects and precepts.

2.4.2. ISLAMIC POLITICAL CULTURE AND DEMOCRACY

It is a well known assumption that Islam facilitates authoritarianism, contradictory to the values of Western societies and indispensably crucial in shaping political outcomes in Muslim nations. The consequences of such generalised and biased attribution are primarily based on the textual deduction and ad hoc studies of individual countries without taking into account other factors. [88] Therefore, the involvement of Islam in socio-political sphere is perceived as either "upcoming Islamic fundamentalism" or non-conductive to "liberal democracies". Perhaps, like those of other religions, Islamic texts and traditions can be employed to advocate specific political systems and policies as it has been the case throughout the history.

Daniel Price argues that country-specific studies do not provide us with applicable patterns for varying relationships between Islam and politics across the countries of the Muslim world. To support this argument in order to explain the varied influence Islam exerts on politics, he emphasises the necessity of comparative studies focusing on various factors related to the interplay between Islamic groups and regimes, economic situations, ethnic cleavages and societal development. He concludes that much of the power attributed to Islam as the driving force behind politics and political systems in Muslim nations can be better explained by the abovementioned factors.[89]

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[87] Ibid.
[88] Daniel E. Price, *Islamic Political Culture, Democracy and Human Right*s, Praeger, Westport, Connecticut, 1999, Preface.
[89] Price, *Islamic Political Culture.*

2.4.3. POLITICAL CULTURE, DEVELOPMENT AND DEMOCRATISATION

It is a core assumption for classical development theories that the dissolving of traditional political culture is a necessary step in the process of development. It is assumed that traditional political cultures do not boast rationalisation, modernisation, bureaucratisation and democratisation.[90] However, we may ask, whether tradition and modernity are mutually exclusive and therefore development is a linear process across all spheres of society, or, whether is a mutual beneficiary between tradition and modernity to pursue a continuous and stable progress to achieving development. Even the conservative scholar Huntington acknowledges that the ties of tradition are necessary to unite nations during difficult period of rapid growth.[91]

Larry Diamond argues that the study of political culture has enjoyed a recent resurgence and challenged the dominant rational choice paradigm.[92] In other words, it is no longer absolutely valid to assume that individuals are self-interested utility maximisers, if we are to sufficiently explain political decisions. Max Weber was first to articulate the significance of reformed religious belief and its positive influence on capitalist mode of production resulting in a more liberal socio-political structure and system. In contrast, some put greater emphasis on factors such as geography, wealth and historical circumstances.[93] This debate has been continuing between advocates of cultural, structural and rational choice theories ever since. However, Price argues that advocates of political culture have been left with the difficult tasks of:

> 1- showing that political culture is not simply a concept that is used to account for everything that remains an anomaly in a given society.
>
> 2- showing that differences in political culture can explain differences in political behaviour across governments and that

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[90] Daniel E. Price, *Islamic Political Culture, Democracy, and Human Rights: A Comparative Study*, Westport, New York, 1999, p.2.

[91] See Samuel, P. Huntington, *Political Order in Changing Societies*, New Heaven, Yale University Press, 1968.

[92] See *Political Culture in Developing Countries*, edited by Larry Diamond, Boulder, Colo, London, 1993.

[93] See *Comparative Perspective on Social Change*, edited by S. N. Eisenstaedt, Boston, Little, Brown, 1968.

changes in political culture across time result in changes in political behaviour; and

3- codifying and identifying different variants of political culture.[94]

Since according to Weberian analysis it is only capitalist societies which become modernised, rationalised and bureaucratised, the classic theories of development have put great emphasis on the third task and therefore focused on the division between tradition and modernity. Weber argued that that the influence of certain tenets of Protestantism as an alternative to the official doctrine of Catholicism facilitated a transformation in the shared beliefs and attitudes of society. The outcome was a new ideological foundation conducive for new modes of economic production on one hand, and on the other hand, transformation from "religious-based ideology" to "secular rational ideology" as the cornerstone of liberal theories of development.[95]

Max Weber, in fact, viewed the character of a society's religion and religious institutions to be historically one of the most important factors in determining its political outlook, in particular whether it could develop a liberal tradition or not.[96] In his famous book *The Protestant Ethic and the Spirit of Capitalism* (1930) he extends the same argument into the economic realm by suggesting a causal nexus between the "Protestant Ethic", especially of the Calvinistic variant, and rational capitalism. Weber identifies a series of variables as characteristic and prerequisites of capitalistic enterprise such as: appropriation of physical means of production by the entrepreneur, freedom of the market, rational technology, rational law, free labour and finally the commercialisation of economic life.[97]

To verify this thesis Weber carried out an experimental cross-cultural comparison of civilizations to discover whether these factors were present and whether a causally dominant ethic was absent. The result showed that, in India, China and the Muslim societies many of the prerequisites of capitalism were absent. In the specific case of

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[94] Price, ibid, p. 10.
[95] Ibid.
[96] See David Beetham, Max Weber and the Theory of Modern Politics, London, Allen and Unwin, 1974, pp.185-186.
[97] Cited by Turner, 1974, p.12.

Islam the focus was on the political, military and economic nature of some Muslim societies as a patrimonial form of domination with "prebendal feudalism" as its core. In attitudinal terms also Weber perceived Islam as a purely hedonistic spirit, especially towards women, luxuries and property.[98]

Weber never completed his works on Islam and the sociology of religions. However, from what we can extract from his writings, he believed that Islam was anti-modern and that its value system might not facilitate capitalism.[99] Perhaps, it is not far from reality that Islam (Koran and Sunna) does not support specifically capitalist modes of productions. In other words, although there are various recognitions of private property and market oriented norms in the Islamic jurisprudence, the totality of capitalism contradicts with some essential elements of Islam.

Daniel Lerner applied the liberal theory of development to Muslim societies and identified a series of parameters such as urbanisation, literacy and communication. He maintained that these factors function to break down traditional society and stimulate economic and political development through the destruction of the old assumptions and attitudes supportive of the traditional paradigm.[100] He went further and asserted that once traditional communities become connected to the modern world, the traditional patterns of thought cannot survive and are replaced with modern patterns. This line of thought was followed and developed by Lipset, Deutcsh, Inkeles and Rustow throughout the late fifties and sixties. In short, this approach maintained that when people moved to the city, learned more and came in contact with the wider world, they would develop the skills necessary to shape and take part in a participatory society with less subordination towards divinely sanctioned modes of control.

Classical development theories strongly echoed the liberal paradigm as an inevitable paradigmic shift towards the separation of spiritual and temporal in political and social discourses. Smith, a liberal theorist, introduced a four-step process regarding religion's influence on politics: 1- separation of religion and politics; 2- the expansion

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[98] See Seyed Anwar Hussain, *Max Weber Sociology of Islam: A critique*, London, 2001.
[99] Price, ibid, p. 12.
[100] Daniel Lerner, *The Passing of Traditional society: Modernising the Middle East*, with the assistance of Lucille W. Pevsner and introduction by David Riesman, New York, Free Press, 1958.

of secularised polity into areas previously dominated by religion; 3- secularisation of political culture; and 4- polity domination of religion.[101] These steps are based on a linear presupposition of declining the role of religion in society due to the introduction of modernity. However, the empirical evidence does not prove such causality, for example, the case of Iran under the Shah's robust non-religious policies which led to nothing but a full-fledged Islamic revolution.

Even the second trend of development theories (Marxist Theorists) believed in the subordination or adaptation of religion to economics. They including Cordoso, Faleto[102], Rodinson, Gran and Amin elaborated their socialist-based theorising under the title of dependency theory. With regard to Islam, for example, Rodinson argues in his book *Islam and Capitalism* that even in purely traditional Muslim societies, religious beliefs did not significantly affect economic practice.[103] In other words, if religious doctrine stood in the way of gain and profit, it was either ignored or interpreted liberally. Amin[104] and Gran[105] also point to the irrelevance of Islamic doctrine in regulating economic practice. However, it is evident that the aspirations of development theorists either liberals or socialists have not been materialised and still various societies are struggling in their way to approach economic and political development. Price correctly says: "Had these theories been true, the cross-national and case study of political culture would not be necessary because all modern political cultures would be relatively similar. However, the study of political culture will remain important because modernity was not necessarily the final stage in the temporal progression of political culture."[106]

We have now assessed the core elements and logic of political culture, and this has made clearer the necessity of studying the Shi'a tradition of thought alongside the democratisation process in Iran. On the one hand, we witnessed a loud and strong trend in studying Muslim societies, including Iran, which dismissed altogether any

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[101] Ibid.
[102] See Fernando Henrique Cordos and Enzo Faleto, *Dependency and Development in Latin America*, trans by Marjory Mattingly Urquidi, Berkely, California University Press, 1979.
[103] See Maxime Rodinson, *Marxism and the Muslim World*, tarns by M.Pallis, London, Zed, 1979.
[104] See Samir Amin, *The Law of Value and Historical Materialism*, London, Monthly Review Press, 1978.
[105] See Peter Gran, *Islamic Roots of Capitalism: Egypt, 1760-1840*, Austin, University of Texas Press, 1979.
[106] Price, ibid.

idea that religious attitudes and sentiments could be considered as determining any socio-political productivity.[107] On the other hand, the essence of religion and its profound interaction with the human mind has always been a source of change and progress. Even, the negative effect of religion proved to be useful for the enhancement of societies in the long run. Thus far, the indispensable influence of Shi'ism on Iranian culture and polity should not necessarily to be seen as a backward regression rooted in history. Having covered the principle elements of democracy and democratisation process within the discourse of critical social theory, and also explaining the socio-political underpinnings of Shi'a thought, we now turn our debate into intellectualism in Iran. From both secular and religious point of view, as well as, advocacy of modernity or and criticism towards modernity.

2.5. INTELLECTUAL CONTRIBUTION AND DEMOCRATISATION PROCESS IN IRAN

The issue of intellectualism and intellectuals in Iran has always been one of the preoccupying factors in conducting any research or observation regarding contemporary Iranian socio-political history or development. Whether we believe in the role of intellectuals[108] as the bearers of modernity and progressive paradigms into the Iranian society or acknowledge them as the product of modernity per se, their influence in shaping the popular socio-political discourses in Iran is a matter of fact. From the nineteenth century the encounter with modernity brought about a wave of critical thinking on both the "emancipatory" and "dominative" aspects of socio-political life. Hence, a combined perception of modernity entered into the socio-political discourse of Iranian society.[109] Although, it does not necessarily mean that there was no attempt or desire for reform hitherto, [110] the encounter of these two

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[107] Informal discussion with Hushang Schahabi.

[108] The term Rawshanfakri was first introduced by Jalal Al-e Ahmad by which he meant to distinguish between a completely Westernised thinker and an enlightened thinker. However, the usage of term *Rawshanfakr* in Persian and intellectual as a universal name is not limited to the ones Al-e Ahmad attempted to qualify.

[109] Farzin Vahdat, *God and Juggernaut: Iran's Intellectual Encounter with Modernity*, Syracuse University press, Syracuse, 2002, p. 23.

[110] See for example Abbas Milani, *Lost Wisdom: Rethinking Modernity in Iran,* Washington D.C. Mage Publishers, 2004.

fundamental aspects of modernity generated a double paradoxical dilemma which prevented the process of the institutionalisation of modernity.

The Iranian encounter with the West had initially started during the Safavid Empire, through which the main point of contact was to acquire necessary tools and it was since the mid nineteenth century onwards that Iranians felt lacking new "ideas" rather than only new "tools". Interestingly, the bearers of the reform concept were mainly men of power, either from courtiers or governmental officials with some cases from the clergy class. It is also important to contemplate some essential questions regarding intellectualism. How intellectualism is defined? What is the milieu of intellectual activity? What would be an intellectual movement? And finally who can be called an intellectual? The common answer to these questions is that intellectualism deals with thought—a complex phenomenon that develops gradually and subtly with almost no sudden or sharp shifts.[111]

Philosophically speaking, intellectualism is deriving knowledge from reason alone. However, broadly speaking, there are three definitions as qualifying to be intellectual. The first category consists of individuals who are deeply involved with ideas, books, the life and the mind. The second definition whose origin comes from Marxism categorises the intellectuals as of recognizable occupational class consisting of lecturers, teachers, lawyers, journalists and such like. The third is cultural intellectualism whose members are those of notable expertise which allows them some cultural authority and who then use that authority to speak in public on other matters.[112]

Of course, the last classification is more suitable and inclusive to reflect the criteria we mean as an intellectual in this research. Thus, our description of intellectuals includes those whose ideas directly or indirectly were influential in creating a paradigm shift in cultural and social discourse and other writers, journalists, lecturers and professionals who function as a link between the intellectually creative and the

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[111] Forough Jahanbakhsh, 'The Emergence and Development of Religious Intellectualism in Iran' in *Historical Reflections*, 2004, Vol. 30, no. 3.
[112] Third definition has more congruency with the theme this research conceptualises an intellectual.

public.[113] In Iran, intellectualism is as diverse as of that any other nation since a wide array of intellectual trends emerged throughout the contemporary history. Some survived, some vanished despite their significant start and some still hold sway over large parts of the society.[114]

The issue becomes more complicated and also difficult for a high degree of precision when one intends to periodise and characterise the intellectual phenomena of a nation. However, it is only possible to embark on such a task after the impacts of intellectual trends become manifest in social and political transformations.[115] To know the manifestation of such impacts and the interactions involved in it we again arrive at the focal point of political culture. A political culture which includes a broad array of intellectual and ideological values that not only influences the planned orientations both individually and collectively, but also shapes concepts such as legitimacy and criteria for determining what constitutes virtue.[116] Ali Gheissari summons two key elements as the core of Iranian political culture and ideological history: "autocracy" and "attitudes towards the influence of the West".

Autocracy can be elucidated as having two features. One is an ossified form of religious intolerance which mostly emanates from a power-seeking interpretation of religious texts, and the other is the inherited patrimonialism and imbalance between gender and class relationships within any given society. On attitudes towards the West, as Lloyd Ridgeon argues, "can be little doubt that most Iranian responses to the challenges and difficulties of the modern age reflect the influences that have emanated from the West."[117] In his articulation Ridgeon adds that "it is yet impossible to bracket the West out in an attempt to identify how Iranian intellectuals and reformers have responded to the challenges they have faced in these past one hundred years".[118]

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[113] Jahanbakhsh, ibid.
[114] Western oriented intellectualism, Leftist or Marxist intellectualism and Islamic intellectualism respectively can be named.
[115] Jahanbakhsh, ibid.
[116] Ali Gheissari, *Iranian Intellectuals in 20th Century*, University of Texas Press, Austin, 1998, Preface.
[117] Lloyd Ridgeon, *Religion and Politics in Modern Iran: A Reader*, I.B.Tauris, London, 2005, cited from introduction.
[118] Ibid.

In other words, we can summarise the contemporary socio-political history of Iranian intellectualism as being a constant struggle for dissolving autocracy and embracing modernity. At the same time, as mentioned above, the two intrinsic elements of modernity itself, the emancipatory (liberalism, freedom, subjectivity) and the dominative (essentiality of functioning nation-state, systematic institutions, universality), clashed respectively with the "desire to dissolve autocracy" and "embracing Western modernity". In short, while the emancipatory element engaged with autocratic elements such as dogmatic religious beliefs and socio-political patrimonialism, the dominative element of modernity was under constant influence and interference of Western economic and political interest.

To this end, the following sections of this chapter focus briefly on the various strata of intellectualism in Iran with particular attention to its dialectical process. In doing so, we can trace back the stance taken by significant intellectuals towards critical notions of their paradigmic view as "movers and shakers" of socio-political development in general and the democratisation process in particular. As mentioned before, intellectualism in Iran encompasses a wide array of tendencies and ideological dispositions. We begin with intellectuals who advocated the notion of modernity according to its original Western attributions, who were naturally secular and therefore were in favour of democratisation based on liberalism. Then we turn to assess the secular critics of modernity, to discuss their disenchantment with "failed adaptation of modernity in Iran". In the third phase and as the synthesis of preceding thesis and antithesis, the religious critics of modernity will be discussed and finally the chapter concludes by addressing, again briefly, the religious advocates of modernity who defend modernity and democratisation with the aim of proving its conformity and compatibility with religious—here Islamic principles. This categorisation is thought to be thematically appropriate and relevant.

It is true that toward the end of Muhammad Reza Shah's reign the credibility gap between the people and the state had widened, but in that period the intellectual opposition was concerned mainly with transcending its self-avowed "theoretical poverty" regarding the analysis of contemporary

society in order to define an effective challenge to the authority of the state. As revolutionary events unfolded, popular dissents gained momentum and brought down the monarchy surprisingly rapidly. In these circumstances, intellectuals found themselves following rather than leading the events… on the whole they were unable to articulate a "historically logical" sequence linking Iranian society under the Shah to the increasingly dominant Islamic features of the revolution, because events ran so counter to the conceptual premises that underlay the intelligentsia's determinist and formalist approach to historical time—namely, the idea of linear progress of reason in history, in which the role of traditional phenomena remains hopelessly vague.[119]

2.5.1. ADVOCATES AND CRITICS OF MODERNITY AND DEMOCRATISATION PROCESS

The controversial debate over modernity and tradition in Iran encompasses a very wide range of issues, as well as intellectuals and thinkers. Some advocate and promote modernity and some criticise and even reject the notion of modernity, in particular from a socio-political point of view. However, for long the encounter of Iranian intellectuals with modernity circled around constant-dichotomy of the Western teleological concept of modernity and a local-oriented authenticity discourse. As discussed in the first chapter, the advocates of scientific discourse of modernity place their conjectural foundation on the classic social theory derived from positivism, whereas the new critical social theory incorporates the element of subjectivity and therefore cultural and local articulations play a decisive role. Thus, in this section, we aim at briefly examining the secular advocacy of modernity (secularism) through two influential intellectuals during both pre- and post-Islamic revolution: Ahmad Kasravi and Mehrangiz Kar.

[119] Ali Gheissari, Iranian Intellectuals in 20th century, University of Texas Press, 1998, p. 2-3.

Secularism can be seen as the first intellectual product of Iran's encounter with modernity. Secular discourse asserts the freedom of religion and also freedom from religion. This discourse prescribes the total separation of state from religious institutions and beliefs. In this line, secular intellectuals have considerably contributed to criticising totalitarianism and the intervention of religion in politics at the same time. However, in terms of gaining a socio-cultural stronghold, secularism in Iran has failed and remained marginal if not completely ineffective. Although secularism was congruent with the policies of Pahlavi regime, due to its inherited contradictions it fell short of making its ideals and principles acceptable within a deeply religious society. Forough Jahanbakhsh describes the failure of secularism in Iran by arguing:" It was seen by many to be westernised, alien, and even anti-revolutionary, anti-Islam and directed by foreign interests. But more importantly, secular discourse hardly went beyond criticism; it failed to provide alternative solutions from within the Iranian tradition."[120]

Mirsepassi in his enlightening book *The Intellectual Discourse and Politics of Modernisation* argues that "much of scholarship on the social history of modern Iran is modelled after a perceived European narrative of progress."[121] At the same time and in contrast, some Iranian scholars have tried to produce a narrative of development within the Iranian (local) setting, i.e. Jalal Al-e Ahmad who will be discussed later in this chapter. Mirsepassi expands his explanation by saying: "this genre of historiography renders the struggle between "tradition" (Islamic, feudal, backwardness, local) and "modernity" (cosmopolitan, Western-secular, progressive), positing the eventual victory of modern ideas, institutions, and personalities over local costumes, outlooks, and cultural habits."[122] Matin Asqari also argues that "the question of Iran's "backwardness" along with its attendant narrative of "self criticism" had preoccupied Iranian intellectuals since nineteenth century."[123]

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[120] Forough Jahanbakhsh, "Religious and Political Discourse in Iran: Moving Toward Post-Fundamentalism" in *The Journal of World Affairs*, vol. IX, no. 2, Winter/Spring 2003.
[121] Mirsepassi, *Intellectual Discourse and the Politics of Modernisation*, p.54.
[122] Ibid.
[123] Afshin Matin Asghari, 'The Intellectual Best-sellers of Post-Revolutionary Iran: On Backwardness, Elite-killing and Western Rationality' in *The International Society for Iranian Studies*, Carfax Publishing, Vol.37. no.1, March 2004

However, we need to bear in mind that such self-criticism has undergone two transformations between 1960s-1970s and 1990s to date. The prevailing intellectual tendency, well before the Islamic Revolution of 1978, concentrated on return to an authentic and glorified Irano-Islamic "self", whereas a decade after the revolution, the intellectual mainstream "was changed to a more critical attitude toward national culture and/or character."[124] In other words, we can distinguish the common theme of intellectualism before the Islamic revolution as emphasising "weakened-self" and "Westoxication" of the society and diagnosing the solution as a return to "national" and "indigenous" values. In contrast, the common theme of intellectual articulations after the Islamic revolution is mainly concerned with the double burden of political and religious totalitarianism (despotism) which will be addressed later on under religious advocates of modernity or religious intellectualism.

2.5.1.1. SECULAR ADVOCATES I.E. KASRAVI, MEHRANGIZ KAR[125]

A prominent and outspoken figure whose ideas considerably contributed in shaping modern intellectualism in Iran is Ahmad Kasravi.[126] Although he began his early adulthood as a clergyman who had passed religious seminaries, soon after the constitutional turmoil and atrocities carried out by several clergymen in executions of constitutionalists in Tabriz he underwent a fundamental ideological transformation and became a secular advocate of modernity. His advocates believe that the importance of Kasravi's role in Iran's modern intellectualism is due to his knowledge and experience acquainted from religious discourse and the criticism he attempted to establish against religious bigotry. Kasravi strongly believed that reform of Iran could be achieved only through educating the masses.

The common theme in his manifesto was the promotion of democracy, economic welfare, education and social and personal life.[127] In addition, he was vehemently against the practice of Islam throughout the society, in particular Shi'ism as the main cause of Iran' lagging behind the progressive world. He described contemporary

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[124] Ibid.

[125] The reason to include Kar alongside Kasravi is the thematic link and congruency between their attitudes towards modernity and also indirectly indicating the obstacles faced by current secular reformers has historical example.

[126] He was born i1890 in city of Tabriz, north eastern of Iran.

[127] Quoted from *Religion and Politics in Modern Iran: A Reader*, edited by Lloyd Ridgeon, London, I.B.Tauris, 2005, p.56.

Islam as full of superstitious beliefs, too much concern for jurisprudence, and a tendency to glorify the past in expense of adapting to existing realities.[128] His blunt stance against Islam brought him nothing but categorical rejection from conservative parts of the socio-political establishment and paved the way for his assassination. He considered himself as *pak-din* (unsullied believer) in his creed as rah (path) based on a conflict between *rawan* (source of altruism) and *jan* (source of egoism). His solution thus in this spiritual and intellectual connotation is with the assistance of *khirad* (the faculty of distinguishing right from wrong) by which, he believed, individuals could free themselves from various constraints and live prosperous.[129]

Kasravi's grave disappointment from the clergy gradually turned into a fierce resentment by which he constantly attempted to attribute whatever is problematic in Muslim societies to Islam and its preachers. His binary articulation divided the Muslim populace into true believers of Islam and unbelievers. The first group comprised of devoted individuals to Islam, who inadvertently are devoid of the desire for freedom, honour and dignity, and also are hostile towards freedom seekers. The second group, according to him, is made up of those who disassociated themselves from religion and inspire freedom for their country and dignity for their nation.[130] He went further by rejecting Islam altogether, saying: "The truth is that in the world as it is, Islam is not suitable for a large free country… the political institution of Islam were not meant for today's world. It is not possible to run a country with them."[131]

As for the post Islamic revolution, secular intellectual Mehrangiz Kar is a salient example. She is known as a non religious political activist whose focus is on the impediments imposed on women's judicial-political rights and participation. As a well-versed scholar in Iran's civil and penal code as well as constitutional law, her attempts to raise the issue of inequality within Iranian society have even brought her an international recognition.[132] However, the quintessential difference between Kar and many gender rights activists is her clear stance on rejecting the concept of Islamic

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[128] Ibid, p. 57.
[129] Iraj Bashiri, A Brief Note on the Life of Ahmad Kasravi, 2000, cited from: <www.anglefire.com/rnb/bashiri/authors/kasravi> (17 January 2007).
[130] Cited from *Religion and Politics in Modern Iran*, p.61, originally quoted from 'The Detrimental Consequences of Islam', translated into English by M.R. Qanunparvar in "On Islam and Shi'ism".
[131] Ibid.
[132] Ibid, 254.

values and culture. Not only she does not intend to prove the compatibility of Islam with issues such as democracy, human rights and women's rights, but also explicitly defend the total separation of religion from state. Her book, *Women's Political Participation in Iran* offers considerable insight on opportunities and obstacles for a broader participation of women in political process.

In her introduction to the book, Kar argues that most articles of the Constitution of the Islamic Republic have not disfranchised completely women from equal political rights with men, but put emphasis on specific expertise such as being jurisprudent to be eligible to become president.[133] She also expressed her appreciation towards several religious politicians and sources of emulation for their efforts to resume the legitimacy of women's participation in politics. At the same time, Kar is keen to press on possibility of changing unfair and unjust laws through reconsideration of exegeses of Islam. Albeit it needs to be added that this book was written and went to publication inside Iran, though with hindsight of Kar's lectures outside of Iran, we are led to believe that she presented her views rather cautiously. Interestingly to know, Kar's strong aspiration for implementing complete secularism struck with a paradox when she is analysing the unveiling order imposed by Reza Shah. She admits that the obligatory unveiling order is in sharp contradiction with principles of freedom of individuals choosing what to wear, at the same time acknowledging the necessity of demystifying the Iranian populace to abandon their regressive and discriminating costumes and taboos.[134]

In this regard, Lloyd Ridgeon explains that in order to make it presentable to public domain, Kar attempted to base her argument for the cessation of systematic violation of women's rights in the Islamic Republic on the on "Islamic perspective".[135] Elahe Rostami Povey in her analysis based on a survey argues that: "In the period 1990-2000, Muslim and secular feminists in Iran have found their own ways of coming together, making demands and pressurising the State and institutions to reform laws and regulations in favour of women's rights."[136] Therefore, the tacit conformity

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[133] Mehrangiz Kar, *Musharakat-i Siyasi Zanan, Mavani' va Imkanat*, (Women's Political Participation, Possibilities, Impediments), Rawshangaran Publishing, Tehran, 2nd edition, 1380 (2001).
[134] Mehrangiz Kar, *Musharakat*, p. 28-29.
[135] Lloyd Ridgeon, *Religion and Politics in Modern Iran*, p. 254.
[136] Elahe Rostami Povey, 'Feminist Contestations of Institutional Domains in Iran' in *Feminist Review*, no. 69, Winter 2001, p.44-72.

between women's socio-political rights and the moderate interpretation of Islam which can be found in Kar's articulation ought not to be seen merely as a cautious way of expression, but needs to be looked at as an unwritten alliance between secular and Islamic feminists to further their cause with less price.

The following quote is taken from Kar's speech at UCLA in 2003 in which she bluntly criticised the whole establishment of Islamic regime and even tended to praise the militaristic approach adapted by anti-clergy organisations in their quest to overturn Islamic republic:

> From the early days of the revolution, many Iranians became disenchanted with the apparent contradiction between revolutionary ideals and brutal reality. Many revolutionaries and radicals militated against the reactionary structure of the new constitution. They aimed at eradicating the forces of reaction with revolutionary zeal and speed. But the judiciary, utilizing the defence of Islam as a justification, promptly suppressed the opposition. The eight-year war with Iraq provided the regime with the perfect excuse to increase the level of violence that led to the horrific mass executions of the political prisoners.[137]

Although Kar's radical speeches and interviews after leaving Iran as a diaspora clearly present her irreconcilable position with the Islamic regime, she surprisingly invited all Iranians to participate in the presidential election of 2005 by nominating free minded and liberal candidates. In her article published in *Jibhiyyih melli* (National Front) website she argues that the two extreme opinions of: "full participation in the election" and "boycotting the election" are posing a grave challenge to the democratisation process.[138] In her vigorous article she rejects the whole electoral procedure as rigged but emphasises the need to utilise democratic formats of regime change even through convincing international organisations to monitor the election.[139] It is therefore evident that the functional alliance between

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[137] www.isop.ucla.edu/article.asp?parentid=5537 > (23 January 2007)
[138] <www.jebhemelli.net/htdocs/views/2005/Kar_on_election.htm > (25 January 2007)
[139] Ibid.

secular and religious women activists to promote their cause could be effective to pave the way for a transitional shift towards implementing more adjustments.

2.5.1.2. SECULAR CRITICS OF MODERNITY, I.E. AL-E AHMAD, NARAQI, SHAYEGAN

As mentioned before, it is not possible here to analyse extensively the evolutionary trajectory of intellectualism in Iran. However, in order to illustrate the dialectical nature of such evolution we need to limit our concentration both on number of intellectuals discussed here, thus, conveying the major points. It is largely perceived that the secular Iranian critics of modernity belong to the leftist ideologies, mainly Marxism and its various ramifications, whereas more careful investigation informs us of the great influence of "nineteenth century's critical philosophy of Germany".[140] In fact, the authenticity discourse which emerged in German philosophy throughout nineteenth century—chiefly due to its slightly late embracing of modernity—did provided the ideal ground for the disenchanted Iranian intellectuals to turn towards modernity for their antithetical theorising.[141]

Iran's initial encounter with modernity lasted from the mid-nineteenth century to the beginning of the twentieth. For about 75 years, two trends dominated and divided the hearts and minds of scholars and thinkers. In short, they were either anti-modern traditionalists who utterly rejected modernity as a negative phenomenon against religion and religiosity, or pro-modern anti-traditional thinkers who inspired replacing everything with the Western modernity.[142] Kasravi in 1942 explicitly demonstrates a sense of frustration within Iranian people by saying:

> All Iranians are saddened by the backwardness of their country….. What lies at the root of this drastic decline? At the beginning of this century, reformers could claim that the main culprits were the despots who had a vested interest in keeping their subjects ignorant and unenlightened. After twenty years of constitutional government, however, we cannot in good

[140] See Mirsepassi, *Intellectual of Discourse of Modernisation.*
[141] Famously taken from: Mirza Melkum Khan's prescriptive notion of changing everything into Western, form forehead until toe, if the society intends to modernise.
[142] First used by Al-e Ahmad.

> conscience give the same answer. We now know that the main blame rests not with rulers, but with the ruled. Yet, the chief reason for underdevelopment in Iran, perhaps in most Eastern countries, is disunity amongst the masses.[143]

In fact, the failure of constitutional revolution and ever-deteriorating state of affairs in terms of national integrity, unity and prosperity led many thinkers to reconsider their theoretical foundations, taking on rather critical dispositions against liberal modernity. In other words, the abovementioned quote reflects a widespread disillusionment among intellectuals with the development of civil society in Iran after the Constitutional Revolution which gradually drifted towards "monolithic nationalism"[144] and also embracing dominative aspect of modernity--incarnated as the Pahlavi regime.

It is also necessary to note that at this phase, Marxism played a crucial role in the expansion of intellectual discourse throughout the society, in particular in the emerging educated middle class. However, due to very much politicised character of Marxism[145]—its association with the Soviet Union's foreign policy—and also its epistemological dichotomy with indigenous culture and religions, advocates of Marxism either stuck to their orthodox hypotheses or gradually switched to alternative theories by which the peculiar nature of Iran's encounter with modernity would be better accommodated. Jalal Al-e Ahmad is a perfect example of such ideological transformation. However, before discussing him, we briefly mention of two identical secular critics of modernity: Ehsan Naraqi and Daryush Shayegan.[146]

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[143] Ervand Abrahamian, "Kasravi: The Integrative Nationalist of Iran" in Elie Kedourie and Sylvia Haim, eds., *Towards a Modern Iran: Studies in Thought, Politics and Society*, London, Frank Cass, 1980, p.112.

[144] Farzin Vahdat, *God and Juggernaut*: *Iran's Intellectual Encounter with Modernity*, Syracuse University Press, Syracuse, 2002, p.87.

[145] For example, Bijan Jazani is a radical Marxist whose anti-capitalist and anti-Western ideas made him a very influential figure before the Islamic revolution. He was also one of the founders of "the Organisation of Iranian Peoples' '*Fedayi Khalq*'. In prison, he rejected the theory of survival and wrote an essay: the Armed Struggle: a Strategy as well as a Tactic". However, his radical and militaristic approach a guerrilla led us to exclude him from intellectual critics of modernity.

[146] Although Daryush Shayegan abandoned his critical attitudes towards modernity after the Islamic revolution, his pre-revolution contribution to critical discourse of modernity in Iran ought not to be omitted

Naraqi as a sociologist focused on the Western countercultural critique of modernity. His main argument circled around pursuing the return to the self. In his first book, *Qurbat-i Qarb* (the alienation of the West), Naraqi examined the West's confession of its loss of authenticity as a confirmation that if Iran emulated the West blindly, it will arrive at the same point.[147] In his next book, he explored the feasibility of adapting and reproduction of certain element from the "native" culture.[148] He urged Iranians to understand more carefully the significance of Western countercultural movement as a warning that the same alienation between man and nature in the West can become the issue in Iran. He was anxious about the Western domination of nature as a paradoxical phenomenon, simply because, human is also part of nature and thus his domination over nature automatically dominates his subjectivity (freedom).[149]

Although Daryush Shayegan's thoughts and opinions changed considerably after the Islamic revolution, his critical observation towards modernity marked his prominent place within secular Iranian intellectuals. Vahdat differentiates between Shayegan and Al-e Ahmad and Naraqi in their criticising certain aspects of Iran's encounter with modernity. He believes that both Al-e Ahmad and Naraqi upheld the pillars of modernity, but this was not the case with Shayegan.[150] We can argue that before the Islamic revolution Shayegan was heavily influenced by Martin Heidegger, whereas, as Vahdat clarifies, after the revolution, he shifted his beliefs entirely. In short, Shayegan lamented the nihilism that modernity would bring about to a society through its destructive, violent and ubiquitous movement. Shayegan referred to Nietzsche as the first scholar who diagnosed the spreading essence of modernity in destroying spirit.[151] In recent years, Shayegan attempted to explain his inconsistency in intellectual theorising through an "intellectual dichotomy" and "cultural schizophrenia."[152]

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[147] See Ehsan Naraqi, *Qurbat-i Qarb* [the alienation of the West], Tehran, Amir Kabir, 1353 [1974].
[148] Ehsan Naraqi, *Anchah Khud Dasht* [what the self had], Tehran, Chav Publishing, 1380, p. 165.
[149] Ibid, p. 163.
[150] Vahdat, p.123.
[151] See Daryush Shayegan, *Asia Dar Barabr-i Qarb* [Asia confronting the West], Tehran, Baq-i Aiynah Publishing, 1992.
[152] Ali Asghar Haghdar, *Daryush Shayegan va Buhran-i Ma'naviyat-i Sunnati* [Daryush Shayegan and the Crisis of traditional spiritualism], Tehran, Kavir Publishing, 1382 [2003], p.18.

Interestingly, Shayegan in his book "*Qu'est-ce qu'une Revolution Religieuse?*" transcended from his nostalgic attitudes towards Iranian indigenous culture and argues that the Islamic revolution demonstrated how the "intermediary epistemology of tradition" can transform into an "ideology" which ultimately will be unleashed as "revolutionary sentiments and violence."[153]Shayegan in his last publication *Nigah-i Shikastah* (broken sight) praised concepts such as democracy, freedom and pluralism while recognising their Western epistemological origins, though ontologically universal. As hugely as the industrial revolution changed human's life and overcame the challenge of feeding millions of people, he argues that, modern concept of public awareness and participation (democracy) is the only way to preserve the local cultures.[154] In short, we can summarise Shayegan's critique of modernity as following: "the most painful consequences of modernity: the reduction of thought to calculation and of ethics to utilitarianism, the dismissal of the essential forms of spirituality as metaphysics, and the radical transformation of the world from "hearth" to "mechanism."[155]

Al-e Ahmad is another critic of modernity who initially belonged to secular camp of critics, but gradually tended to boast and even promote Islamic notions. He was a former Marxist who admired the concept of social change by proposing an "Eastern Iranian identity" to protect Iranians from "erosive effects of Western cultural imperialism" and accentuated increasingly towards Islamic symbolism.[156] Vahdat delicately distinguishes Al-e Ahmad's significant reliance on religious sentiment and his sometimes harsh criticism of Western modernisation and imperialism. In this line, Mirsepassi concludes that despite his eventual religious affection, Al-e Ahmad's criticism of modernity belongs to authentic discourse. Therefore, since phenomenally and epistemologically the authentic discourse emanates from within modern discourse, we include him in this section.

Perhaps, Al-e Ahmad's political and intellectual background and affiliation leads us to investigate his role in preparing the "shifting phase" from a popular secularistic criticism of modernity towards a popular un-secular (religious) criticism of

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[153] Ibid, p.19, cited from Daryush Shayegan, *Qu'est-ce qu'une révolution religieuse?* Paris, 1991
[154] Ibid, p.21.
[155] Vahdat, p.126.
[156] Vahdat, p.114.

modernity—leading to the Islamic revolution. Al-e Ahmad's versatile relationship with the Tudeh Party and his disassociation was not only a personal issue, as many including Khalil Maleki, a well-known Tudeh Party member—were to disjoin the party aiming to establish a new party.[157] The main feature of Al-e Ahmad's intellectual elaboration was his book: *qarbzadagi* (literally West-struckness) published in 1962. There have been various translations of this expression into English such as: Occidentosis, Westamania and Westoxication. However, considering what Al-e Ahmad meant by coining *qarbzadagi*, it would be best translated as *dysiplexia* [158](a Greek neologism coined by Ahmad Fardid).[159]

Some have misinterpreted Al-e Ahmad by blaming him for the consequences of the Islamic revolution, for instance, Al-e Ahmad's praising of some anti-modern clergies like Shaykh Fazlullah Nuri. Thus, his intention by defining *qarbzadagi* and its negative effect should not lead us to believe, firstly, that his criticism of modernity was merely based on religious sentiments, or secondly that he was anti-modern. The following definition given by Al-e Ahmad demonstrates his genuine attempt to appreciation of modernity provided its comprehensive embracement, not only utilising its instruments, without understanding its logic:

> The aggregate of symptoms afflicting the life, culture, civilisation, and mode of thought of a people having no tradition to function as a fulcrum, no continuity in history, no gradient of [inclusive] transformation, but having only what the machine brings them….Thus *gharbzadegi* is the characteristic of a period of our history when we have not yet conquered the machine and do not understand the secrets of its logic and structure.[160]

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[157] Toilers' party (*Hezb-i Zahmat-kashan*) in 1948.
[158] Ali Ghessari has explained Fardid's Greek coinage *dysiplexia* as combining from *dysis* which means "the West" and *plexia* which means " being struck by or afflicted with something,
[159] We will give a summary account on Fardid's role in shifting Iranian intellectualism from secular basis towards religious sentiments.
[160] Al-e Ahmad, *qarbzadag*i [Westoxication], Tehran, Ravaq Publishing, 1356 [1977], p. 34-35.

Understandably, Al-e Ahmad proposed and praised a new concept of *rawshanfakri* [161] to fill the gap of "empty self" or better say "weakened self". The bearers of this concept called *rawshanfakran*, according to Al-e Ahmad can restore the lost authenticity and appreciation from society. Vahdat argues that, although *rawshanfakr* in modern Persian is almost equivalent to "intellectual", *rawshanfakri* at least, as applied by Al-e Ahmad can be translated as "enlightenment".[162] According to Al-e Ahmad, freedom and free thinking constitute the substance of *rawshanfakri*. This belief puts him in sharp contrast with dogmatist religionists whom he excluded from being *rawshanfakr*, since they are obliged to follow the unchangeable norms of religion.[163]

Al-e Ahmad acknowledged that secular ideologies could not permeate into the Iranian society even since ancient time. He alluded to the failure of secular reformer Geumat, while stressing the success of Zoroaster in conveying his religious message.[164] He also praised the method of independent judgment (*ijtihad*) as a logical tool for deduction of secondary rules from the Koran and the Tradition. Mirsepassi argues that: "Al-e Ahmad's critique of the West (*qarbzadagi*) is a complex and contradictory concept that cannot simply be reduced to an anti-Western polemic."[165] At the same time, his latest affinity to Islamic principles does not imply his belonging to the religious camp criticising modernity. His wife, Simin Daneshvar, the famous writer, gives an interesting explanation of how Al-e Ahmad converted intellectually:

> If he turned to religion, it was the result of his wisdom and insight because he had previously experimented with Marxism, socialism and to some extent, existentialism, and his relative return to religion… was toward deliverance from the evil of imperialism and toward the preservation of national

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[161] Although the term intellectual and intellectualism were being used for long in Iran, Al-e Ahmad introduced the term *rawshanfakri* as the "authentic" equivalent of intellectualism in Persian.
[162] Vahdat, *God and Juggernaut*, p. 117.
[163] Ibid, p.118.
[164] Al-e Ahmad, *Dar Khadmat va Khiyanat-i Rawshanfakran* [On the service and treason of intellectuals], Tehran, Ravaq Publishing, 1359 [1980], p. 156-158
[165] Ali Mirsepassi, *Intellectual Discourse and Politics of Modernisation*, p. 101.

> identity, a way toward human dignity, compassion, justice, reason, and virtue. Jalal had need of such a religion.[166]

Mirsepassi maintains that Al-e Ahmad's perception of modernity, secularism and religion underwent a number of changes, but remained fundamentally consistent."[167] In his early years of writing, Al-e Ahmad is more focused on the "ignorance" and "defencelessness" perpetuated by religion upon the common people. In the later period, while in latter period, he yearned for self realisation, authentic experiences and integrated identity. Although Al-e Ahmad in *Qarbzadagi* extended his critique of Iran's encounter with modernity by blaming the whole tradition of modern secularism, his critique remains within modern epistemological framework. Mirsepaasi relates Al-e Ahmad's criticism of modernity to German romanticism and argues that Al-e Ahmad's "*qarbzadagi* discourse" was an answer to a yearning for an "authentic" (Islamic) identity.[168]

2.5.1.3. RELIGIOUS OR UN-SECULAR CRITICS OF MODERNITY, I.E. ALI SHARI'ATI, MOTAHARI

Dr. Ali Shari'ati (1933-1977) played a key role in remodelling Iran's socio-political attitudes by designing a radical intellectual at the same time completely religious ideology. He was exposed to many aspects of Western philosophical and political thought during his studies of sociology in France, as it is evident in his writings. Shari'ati endeavoured to explain and provide solutions for the dilemmas faced by the Muslim societies through resorting to and utilising traditional Islamic principles. Shari'ati was successful in penetrating into the deepest psychology of the Iranian society by combining a rhetoric of modern sociology with Shi'a sentiment. He was an enthusiast at experiencing many philosophical, theological and social schools of thought with an Islamic view. "One could say that he was a Muslim Muhajir who rose from the depth of the ocean of Eastern mysticism, ascended to the heights of the formidable mountains of Western social sciences, yet was not overwhelmed, and he returned to our midst with all the jewels of this fantastic voyage."[169]

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[166] Al-e Ahmad, *Iranian Society: an Anthology of Writings*, compiled and edited by Michael C. Hillmann, Lexington, Mazada Publishing, 1982, preface.
[167] Mirsepassi, *Intellectual Discourse and the Politics of Modernisation*, p. 101.
[168] Ibid, p.105.
[169] Quoted from Shari'ati's Biographic website: <www.Shari'ati.com>

Shari'ati's advocate believe that "he was neither a reactionary fanatic who opposed anything that was new without any knowledge nor was he of the so-called westernized intellectuals who imitated the west without devote independent judgment[170]. He was a true believer in preaching the youth as the only element of the society who can overturn the deteriorating condition of Iranian society. His determination to enlighten and also encourage the masses, in particular the youth, spread seeds of radicalised activity that was conducive for making the populace rebellious and ready for revolution.[171] Shari'ati considerably developed a strong aspiration to create a society based on "humanitarian and communal values" in the young generation who were anxiously feeling a deep rupture between Westernised modernisation and their deteriorating identity. He vigorously employed the re-introduction of the Koran and Islamic history to the youth as the path for finding their "true selves". Shari'ati wrote many books and conducted many lectures in which he tried to present a dynamic and progressive interpretation of Islam as the only way towards a successful social change.[172]

Some scholars see Shari'ati's ideology as the continuing of Al-e Ahmad's critique of the secular political culture of that time for ignoring the significance role of Islam in Iranian culture. The nuanced difference between Al-e Ahmad and Shari'ati, however, lies in the additional emphasis Shari'ati put on constructing and popularising a "modern Shi'a ideology as a more authentically grounded alternative to the existing secular ideologies",[173] whereas Al-e Ahmad concentrated more on the critique of Western modernisation and secularism in Iranian culture and politics. In a more radical view, some argue that: "It was a mistake that Iranian intellectuals fell for Shari'ati's version of Islamism in 1970's, and dropped secular liberalism and democracy under the anti-Western slogans, which brought nothing but reactionary backwardness for Iran."[174] For his critics, Shari'ati is a chief ideologue and theorist of

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[170] Ibid.

[171] For many years prior and after the Islamic revolution, Shari'ati was officially declared as the mentor and main ideologue of *Sazman-i Mujahidin-i Khalq* (People's Fighters Organisation).

[172] Up to 28 titles of book: *1- Hajj (The Pilgrimage), 2- Where Shall We Begin, 3- Mission of a Free Thinker, 4- The Free Man and Freedom of the Man, 5- Extraction and Refinement of Cultural Resource, 6- Martyrdom, 7-Imam Ali, etc.*

[173] Mirsepassi, *Intellectual Discourse and the Politics of Modernisation*, p. 114.

[174] Sam Qandchi is a sympathiser of MKO and has written extensively on criticising Islamist thinkers mainly in his website: <www.ghandchi.com.com/23-Shari'ati-Al-e Ahmad .html>

the Islamic revolution whose exegeses from Shi'ism and Islam only mobilised the masses to replace a monarchy with theocracy.

In sharp contrast, some found Shari'ati liberal compared to Ayatollah Khomeini. Monique Girgis argues that: "basic to Shari'ati's writings was the concept of human will, as opposed to the more commonly held idea of predestination."[175] Accordingly, Shari'ati viewed the Koran as a source of religiosity to be comprehended by each generation as time changed. Shari'ati frequently condemned reactionary segments introduced and promoted by the majority of clergy as Islam.[176] It is even believed that due to Shari'ati's anti-clerical sentiments, the Pahlavi regime ironically eased the initial pressure on him hoping his critical debate against the clergy would disenchant the public of the ulama.[177] However, Shari'ati in his infamous book, *Tashau' Surkh dar barabar Tashau' Siyah* (Red Shi'ism vis-à-vis Black Shi'ism) portrays an interpretation of Shi'ism which boasts emancipation against dictatorship:

> We can see that for over eight centuries (until the Safavid era), Alavite Shi'ism had been more than just a revolutionary movement in history which opposed all the autocratic and class-conscious regimes of the Omayyid and Abbasid caliphates and the kingships of the Ghaznavids, the Seljuks, the Mongols, the Timurds and the two Khanids, who had made the government version of the Sunni school their official religion, and it waged a secret struggle of ideas and action like a revolutionary party, Shi'ism had a well-organised, informed, deep-rooted and well-defined ideology, with clear-cut and definite slogans and disciplined and well-groomed organisation. It led the deprived and oppressed masses in their movements for *freedom* and for *seeking justice*. It is considered to have been rallying-point for the demands, distress and rebellions of the intellectuals seeking to gain their

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[175] Monique Girgis, cited in <www.iranchamber.com/podium/society/Shari'ati.htm> (2 Feb 2007)
[176] Ibid.
[177] Ibid.

right, and for the masses in search of justice.[178] (Emphasis added)

Shari'ati attempted to make a connection between the ruthless, dictatorial and oppressing features of the governments of time and their Sunni branch of Islam, not of course to blame Sunnism for all these atrocities, but for singling out its silent and inactive mechanism of subordination towards the status quo. In fact, what Shari'ati tries to articulate from Shi'ism is a manifestation "against the harsh prejudices and the soulless, petrifying censorship of the theological and legal system attached to the ruling group."[179] The core of Shari'ati's discourse can be extracted in a trilogy of "liberty, equality, and spirituality" equivalent in Persian to concepts of *Azadi*, *Barabari*, and *Ma'naviyat*. Of course, his objective in praising "liberty" would be without the implementation of capitalism, by the same token, "equality" and social justice without materialism and totalitarianism, and "spirituality" and religion without clerical institution and charismatic ideologues such as Shari'ati himself.[180]

Mahdavi argues that one of the continuing objectives of Shari'ati's writings was the critique of systems of power, referred to in his text as *Istibdad* (despotism), *Isti'mar* (material exploitation and injustice) and *Isti'mar* (religious manipulation and alienation—cultural hegemony in the Gramchian sense).[181] It is not hidden that Shari'ati was concerned about clerical monopoly of power through resorting to specific interpretations of Islam conducive for engendering *Istibdad-i Rawhani* (clerical despotism). He stipulates that it would be "the worst and the most oppressive form of despotism possible in human history".[182] Indeed, it is argued that because of the fear of materialising such possibility, Shari'ati called for an Islamic Renaissance and Reformation". [183] Mahdavi believes that this task taken by Shari'ati was certainly deemed too difficult to be accomplished, understandably because of the centuries of clerical supremacy based on their conventional interpretation of Islam.

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[178] Ali Shari'ati, *Tashau' Surkh dar Barabar Tashu' Siyah* cited in <www.iranchamber.com/personalities/aShari'ati/works/red_black_shiism.php> (Feb 1st, 2007).
[179] Ibid.
[180] Mujtaba Mahdavi, 'Islamic Forces of the Iranian revolution: A Critique of Cultural Essentialism', in *Iran Analysis Quarterly*, vol.2, no.2, Fall 2004, published by Iranian Studies Group at MIT.
[181] Ibid.
[182] Shari'ati, *Majmu'-i Asar-i Dr. Ali Shari'ati* [collective works of Dr. Ali Shari'ati], Vol.20, Tehran, 1360 [1981].
[183] Ervand Abrahamian, *Radical Islam: the Iranian Mujahidin*, London, Tauris, 1989. p.119.

Shari'ati, however, according to Abrahamian failed to answer the potential problems for his idealised-progressive-Shi'ism. The unanswered challenges are: "If Shi'ism was a revolutionary ideology, why was it surrendered to the iron law of clerical or political establishments? If revolutionary ideologies were capable of changing the infrastructure, why then had Shi'ism failed? And, if it had failed in the past how could one be sure that it would not fail again in the future?"[184] However, despite the unresolved but critical questions, Shari'ati's main aim was not to establish a political system through a political revolution. What he desired, according to his words, was raising public consciences through a radical transformation of the social order. Of course, he went further and tried to pinpoint "where is Iran in the historical process?" by employing a Marxist discourse. He argued that Iran is neither in the twentieth century, nor in the process of an industrial revolution. To him, the society still lives "in the age of the late feudal era, just on the eve of the Renaissance."[185]

To this end, Shari'ati referred to the intelligentsia (*rawshanfakran*) as the bearer and the active participants of such development. Shari'ati stressed that if the intelligentsia do their main task which is initiating and pursuing "renaissance and reformation", the "critical conscious of the public" would be raised, which is the prerequisite for any change. All the intelligentsia have to do is to raise public conciseness; people will do the rest. [186] It is also noticeable that Shari'ati took a more reconciling approach with concepts such democracy in his last writings unlike the earlier ones i.e. *Umma va Imama* (believer masses and the leadership). For instance, in *bazgasht* (return) he repeatedly clarifies that the role of intellectuals or elites is not to instruct or provide revolutionary leadership, but merely to enlighten and educate a sense of self-consciousness. Shari'ati even referred to Rousseau by quoting him as saying: "intelligentsia is not to make plans for people. Political leadership is not the task of the vanguard. It is not for us to create a plan for all the future, what we have to do is the critical analysis of all that exists."[187]

Overall, Shari'ati should be seen as a theorist who introduced a mix of authenticity discourse and revolutionary ideology. By doing so, he managed to bridge the inner

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[184] Ibid, p. 123-124.
[185] Mujtaba Mahdavi, ibid.
[186] Ali Shari'ati, *Majmu'-i Asar* [collective works], vol. 4, Tehran, 1359 [1980].
[187] Ibid.

contradictions for a generation of Iranian Muslim youth to play greater role in their thinking and acting simultaneously. It is also important to know that Shari'ati's "project in fact, amounted less to a categorical split between "Western ideology" and "Shi'a Islam" and more to a dialogue between the two, creating a modern revolutionary ideology for the Iranian context."[188] Thus, for better understanding of Shari'ati's status in the shaping of Iran's contemporary socio-political movements, his achievement should be understood in the context of reconciling the experience of modernisation with Iran's indigenous culture. He desired to introduce a dynamic interpretation of Islam which is not only capable of surviving but also of triumphing.[189]

From the psychological point of view, in addition to many other socio-political and economic parameters, a large portion of Iranian society including low, working and middle class plus university students from all social strata, both in urban and rural areas, became greatly disappointed by the Pahlavi regime. No doubt, Shari'ati's writings and speeches had profoundly provoked the mainstream of the middle class, in particular university students, to better articulate their demand for change. The general theme within the society was a thirst for change, but not any change. In other words, as explained throughout this chapter, the Iranian society had been experiencing modernisation, in both Western-style democratic method from 1906-1924 and from 1941-1953, and Western-style authoritarian method from 1924-1941 and 1953-1978. The failure and oppression of the Pahlavi regime which was manifested in a Western-secular style of modernisation paved the ground, this time, not only for a paradigmic shift, but also for an institutional change.

Ayatollah Murtaza Mutahhari (1920-1979) is a crucial figure who theorised in more detail and also in a more presentable manner what Ayatollah Khomeini[190] had announced under the title of *hukumat-i Islami* (the Islamic government). If we included Mutahhari in the religious or un-secular intellectual category, it does not necessarily mean that we are reluctant to use the conventional criteria of

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[188] Mirespassi, *Intellectual Discourse and the politics of Modernisation*, p.116.
[189] Ibid.
[190] We will elaborate on Ayatollah Khomeini's political and theological ideas in the next chapter.

intellectualism. Since for many[191] the adjective of intellectual cannot be given to a clergyman who chiefly designed and justified the structure of a religious state, for us, his ability to reform many dogmatic and undemocratic elements of scholastic Islam is more important and merits his inclusion. It is true that for a secular intellectual or for an ordinary citizen Mutahhari has not any particular quality to be known as an intellectual, but considering it from the ossified and concrete frameworks of the official Islam presented in seminaries, he deserves to be seen as such.

He produced 22 books, several articles and also various tape cassettes. For many Iranian Muslims, Mutahhari was one of the most versatile Islamic scholars and prolific writers of recent times, deeply rooted in traditional learning and enamoured of its exponents.[192] He studied *fiqh* (religious jurisprudence) and *usul* (principles of religious) which are the core subjects of the traditional Islamic curriculum. However, unlike many clergymen, he did not confine himself to theological training and showed a great deal of interest in reading and learning philosophy, both Islamic and non-Islamic, including Marxism. He even enrolled to study rational sciences at the University of Tehran. Mutahhari noted that in addition to the supremacy of the Western technological achievements, it is now the ontological basis of Iranian society which came under severe pressure to abandon its Islamic characteristic.

Hamid Algar in his introduction to *Fundamentals to Islamic Thought*—written by Mutahhari, describes Mutahhari's elaborations on Marxism as a rigorously logical attempt to demonstrate the contradictory and arbitrarily hypothetic nature of key principles of Marxism. Algar goes further, saying that Mutahhari's polemical writings are characterised more by intellectual than rhetorical and traditional force.[193] However, we need to bear in mind that although Mutahhari's view of Islam was philosophical, it does not mean that he tended to undermine the authenticity of revealed dogma by philosophical interpretation. In other words, in ontological terms he was as a faithful believer in the righteousness of Islamic revelation, but in epistemological terms, his method differed considerably from the mainstream of

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[191] In none of works the writer used for this thesis written by academics, Mutahhari is referred to as intellectual.

[192] <www.iranchamber.com/personalities/motahari/morteza_motahari.php> (3 Feb 2007).

[193] Murtaza Mutahhari, *Fundamentals of Islamic Thought: God, Man and he Universe*, trans. R. Campbell, intro by Hamid Algar

clerical thought. For Mutahhari, attainment of knowledge and understanding was the prime goal and benefit of religion. To this end, in his deliberations he assigned to philosophy a certain primacy among the disciplines cultivated within Islamic scholarship.[194]

To grasp an understanding on Mutahhari's attitudes towards Islam and politics we can mainly refer to his three books: 1- *Imamat va rahbari* (guiding and leadership), 2-*Ijtihad dar Islam* (jurisprudential judgement) and 3-*Mushkilat-i Asasi dar Sazman-i Rawhaniyat* (fundamental problems of clerical's authority-hierarchy). Even the titles of these books reveal the essential contribution made by Mutahhari to Islamic discourse and its interaction with the realities of modern life. When the possibility of an Islamic government in Iran emerged in 1978, Mutahhari started describing his jurisprudential views on the future Islamic political system. He stressed that the next political regime which was supposed to be replaced with the Pahlavis will not be only a "Republic", but an "Islamic Republic". In other words, what Mutahhari meant by this, in short, was that both the content and the form ought to be Islamic. Some are not in favour of excluding Mutahhari as a religious intellectual because of his firm stance on the "rule of jurisprudence" according to the Shi'a school of thought.[195]

He bluntly made it clear that being Islamic means that this government will be run according to the Islamic principles and regulations (*usul*). However, to answer the critics who could easily challenge such a regime as authoritarian and oppressive, Mutahhari, ironically, tried to justify the establishment of an Islamic state based on a secular and democratic rationale. He resorted to the collective will of majority Muslim citizens and argued that if the majority want to have an Islamic state and vote for it, then is it against democracy? He asked, shouldn't it be more questionable and unacceptable if the people were deprived to exercise such a right? So, if the opponents of the Islamic state reject it as undemocratic, Mutahhari argued, they need to reconsider their one-way understanding and recognise the right of majority to choose their own religion as the essence of governance.[196]

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[194] Ibid, p.12.
[195] See Ziba Mir-Husseini and Richard Tapper, *Islam and Democracy in Iran: Eshkevari and the Quest for Reform*, London, I.B.Tauris, 2006, p.64.
[196] See, Imamt va Ummat (Imamate and Believers) and *Mabahis-i dar Inqalab-i Islami* (the issues on the Islamic revolution).

For Mutahhari there is no clear-cut division between political issues and spiritual ones, as Islam is a lifestyle of mankind which includes everything relating to both the outward (*zahari*) and the spiritual (*ma'navi*) dimensions. Islam, Mutahhari argues, is not merely a teacher or philosopher of ethics who leaves some books or students to society. Islam is not only an ethical and cultural school but is also a socio-political system with completely new regulations for people. Islam creates a new method of speculation and new social organization. Islam keeps spirit within matter, the invisible within the visible, the afterlife within this life and the kernel (*maqz*) within the skin (*pust*) (of a seed). In short, what he wanted to portray of Islam was an omnipotent religion which either offers an answer to everything, or potentially is capable of producing answer for any matter or issue.[197]

This view vigorously attempted to refer and resort to philosophical arguments in a thoroughly logical and cogent fashion. It was in order to demonstrate that religious principles and traditions already contained those rational premises, therefore, such principles are not only religiously obligatory, but also rationally structured.[198] Not surprisingly, such religious zeal turned into a radical notion and became a political fashion in early years of the Islamic revolution as to replace "Western produced knowledge and even science" with "Islamic ones". To be precise, the Islamisation movement in all aspects (social, economic and political), became the main agenda of new revolutionary elements which can be attributed as a radical multiplication of authentic discourse in the aftermath of a revolution.[199] Mutahhari was also appointed as the head of "Revolutionary Council" by Ayatollah Khomeini to ensure the implementation of Islamic principles with the emerging institutions and also to oversee the process of drafting the Constitution.

In the following section, we address the other ramification of religious or un-secular intellectualism which advocates modernity and democracy. This trend emerged after a relatively strong experience of criticism against modernity (1970s and 1980s),

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[197] Taken from three abovementioned books written by Mutahhari.
[198] < www.iranian.com/BTW/1999/May/Soroush/index1.html> (5 Feb 2007)
[199] For example, the infamous phrase: *iqtasad mal-i khar ast* [the economy is for donkey] quoted in *Guardian*, January 30, 2007, in 'Only the US Hawks Can Save the Iranian President Now' by Ali Ansari.

although it takes on board many elements of modernity and democracy in the constitution of the Islamic Republic. In so doing, we trace again the dialectical nature of the modernity discourse in Iran. This ongoing process of evolution aims to rectify the "conceptual level" or, in other words, nurture a more universal narrative and application of modernity alongside preserving and respecting indigenous and authentic elements and notions, although they are traditional.

2.5.1.4. RELIGIOUS OR UN-SECULAR ADVOCATES OF MODERNITY: RELIGIOUS INTELLECTUALISM I.E. SOROUSH[200]

It was accepted as a norm for most of the twentieth century that intellectualism and intellectuals could not be associated with being religious. For the majority of intellectuals their association with religion was discrediting and shameful. All they had to boast was belonging to the secular ideological universe of either the West or East. Jahanbakhsh argues that even as late as the mid-1960s, when someone like Al-e Ahmad began to voice their self-criticism within intellectual circles, religion and intellectualism were still deemed mutually exclusive.[201] As mentioned previously, Shari'ati seriously challenged such assumptions and altered the existing definition of the intellectual, primarily in terms of using religious sentiments and ideals as incentives for mobilising masses aimed at social change. The triumph of the Islamic revolution proved that "a new breed of intellectualism had been born and come to stay."[202] A quintessential figure to represent this branch is Abdul Karim Soroush.

Soroush was born in 1945 in Tehran and studied both analytical chemistry and philosophy of science. After the Islamic revolution he published his first book: *Danish va Arzish* (knowledge and value).[203] For the first years after the revolution, he performed as a member of the Council for Cultural Revolution whose primary task was to purify and restructure the universities staff and syllabi. The membership of the

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[200] Due to limited space, only Soroush is included in this section, while the ideas and thoughts of Mohsen Kadivar and Mujtahid Shabestari have been discussed through the first part of chapter.
[201] Forough Jahanbakhsh, 'The Emergence and Development of Religious Intellectualism in Iran', ibid.
[202] Ibid.
[203] The theme and content of the book is aligned with the revolutionary fervour and cannot be seen as an intellectual work, but otherwise.

Council was appointed by Ayatollah Khomeini. In his personal website we read: "He submitted his resignation from membership in the Cultural Revolution Council to Imam Khomeini and has since held no official position within the ruling system of Iran, except occasionally as an advisor to certain government bodies."[204]

From early 1990s Soroush gradually expanded his criticism against the clerical ruling class and also confounded a monthly magazine, *Kiyan*. It was via Kiyan that he could publish and spread his controversial articles on religious pluralism, hermeneutics, tolerance, clericalism, etc. In short, we can summarise that Soroush attempted "to reconcile Islam and modernity by creating a worldview that is compatible with both."[205] Forough Jahanbakhsh argues that well before the landslide election of 1997 and the official entrance of Islamic reformists into political sphere, a steadily emerging new trend of religious intellectualism challenged the previously untouchable doctrine of the Islamic republic, manifested as the ideological understanding of Islam.[206] She traces the roots of religious intellectualism since the mid 1980s to the fact that "educated religious individuals outside the political power structure started debating issues such as rationalism, pluralism, tolerance versus violence, rejection of non-critical and blind emulation of the *fuqaha*, critical analysis of the ideologization of religion, rights versus duties, and reconciling religion and democracy."[207] Henceforth, Soroush and his likeminded were called Islamist reformists. The dilemma, however, remained as to recognise the concrete standpoints of such thinkers. For example, Filali-Ansari argues that:

> [M]any controversies surrounding Islamic thought focus so heavily on semantics, on names for ideas and persons that the real issues often disappear from sight. [Thus], many thinkers who are called or who call themselves "Islamists" make such large concessions to the power of unaided human reason that one may wonder what is left to render their thought Islamic. On the other hand, many secularists, especially nationalists,

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[204] <www.drsoroush.com/Biography-E.htm> (Feb 6 2007)
[205] Cited by Abdo Filali-Ansari from Robin Wright, 'Islam and Liberal Democracy: the Challenge of Secularisation' in *Journal of Democracy*, vol.7, no.2, 1996, p.76-80.
[206] Forough Jahanbakhsh, 'Religious and Political Discourse in Iran: Moving Toward Post-Fundamentalism' in *Brown Journal of World Affair*, Winter/Spring 2003, vol. IX, no.2.
[207] Ibid.

> pay such reverence to Islamic dogmas that one may wonder if reason has any role left to play in their thought. The whole confrontation sometimes seems like so much posturing, where the real choices are never clarified or faced.[208]

For Soroush, the main problematic issue remains within Muslims themselves, or rather within a complex of traditions that has long barred Muslims from the free implementation of reason and from direct contact with the sources of their faith. He acknowledged an urgent task of freeing Muslims from Islam understood as a social and historical heritage, as a set of overwhelming external conventions defining views and behaviour.[209] The general theme of Soroush, works tends to put emphasis on the inward characteristic of Islam. He argues further that this turn toward Islam understood as an "open religion" represents not a radical innovation, but rather a return to the original essence of the faith in its purity. For him, the basic reality and objective is the person, the individual believer.[210] Filali-Ansari concludes that Soroush has attempted to present an Islam which one is free to adhere to and full of piety mostly based on this free adherence. The Islam which is perceived and practiced on personal commitment rather than custom, habit and conformism. Thus, Soroush can be seen as a modern humanist and true reformer.[211]

The most controversial theory articulated by Soroush was the "contraction and Expansion of religious knowledge". This theory targeted a very sensitive yet fundamental aspect of the prevalent religious understanding—its epistemic foundations. It argues that any understanding of religion is bound to be temporal and subject to change. For many observers this theory meant that "no understanding of religion is ever sacred, absolute or final and laid the foundation of an epistemological pluralism that is the basis of any democratic pluralism."[212] Such a theoretical breakthrough constructed within religious discourse ensued far-reaching consequences in both intellectual and political milieux. In short, the possible

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[208] Abdo Falili-Ansari, ibid.
[209] Ibid.
[210] Ibid.
[211] Ibid.
[212] Jahanbakhsh, Forough 'Religious and Political Discourse in Iran: Moving Toward Post-Fundamentalism' in *The Brown Journal of World Affair*, vol. IX, no.2.

multiplicity of readings of religion, then taboo, had dramatic implications for the configuration of an Islamic regime with republican structure. We will address the political development which chiefly emanated from this breakthrough of religious intellectualism in the final chapter.

2.6. CONCLUSION:

It has been a general perception and also a constant intellectual preoccupation to find out whether Islam and modernity can be accommodated in terms of socio-political implementations, of course, without much elaboration on what really can "constitute Islam" and what is the "late application" of modernity The ramifications of such a critical enquiry have spread into various fields of scientific and intellectual researches and observations. As discussed extensively in the previous chapter, we can divide our mode of inquiry into two methodological and theoretical categorisations. Methodologically, the challenge in studying the impasses in Muslim countries in particular, and other developing countries in general, has been whether one should take into account both the objectivity and the subjectivity of the issues, or merely adhere to the scientific discourse of considering measurable objectives and chiefly disregarding beliefs and attitudes. In other words, we are faced with two distinct methodological premises, one based on classical positivism and the other seeing subjective elements such as political culture and religion as being decisive upon the formation of political structure and ultimately decision-making outcomes.

To this end, the first half of the present chapter was allocated to study Shi'ism and the trajectory of what we can call "Political Shi'a based on Shi'a interpretation of Islam" which is manifested in the concept and position of *wilayat al-faqih* (jurisprudent rule). We could not simply ignore the gravity and influence generated and inserted by Shi'a thought throughout the history of Iranian society in all social, economic and political realms, although due to limited space, we could only present an account of its political dimension. We tried to distinguish between spiritual Islam and its jurisprudential identity and apparatus. Throughout this chapter, we extended our knowledge about

different interpretations within Shi'ism. Our emphasis on intra-disciplinary study and argument within Shi'ism aimed at resolving the current impasse of radicalised Shi'ism from the within, by showing the multi-faceted and emancipatory nature of Islam. The bitter experience of secular and anti-religious intellectualism of the early twentieth century proved not only unsuccessful, but catastrophic. We even had to allude to early the years of Islam to trace back the evolutionary development of Shi'a political thought.

The second part of this chapter was concluded by revealing the dialectical nature of socio-political discourses envisaged and proclaimed by "movers and shakers".[213] By analysing each intellectual paradigm, we recognised the corresponding relation between each prevailing discourse and the resulting political system. The constitutionalism came about after an encounter with modernity and a struggle to establish a minimum rule of law, justice and acquisition of knowledge lasting almost 40 years. . The Pahlavi regime emerged after more than 30 years of continued failure under the Qajars. The characteristics of the Qajar regime included a deterioration of national integrity and welfare, weak government and lack of order ensured by a strong secular tendency which embraced the dominative pattern of modernity, but was critical or ignorant of the liberating pattern of modernity. Then, it was the autocratic and Westernised Pahlavi regime that created the possibility of the emergence of an authentic Islamic discourse. And then, with the Islamic Revolution in 1979, the Islamic discourse had the chance to embody itself within the framework of the Islamic Republic with a hybrid identity.

The religious criticism of modernity could win the hearts and minds of Iranians mainly due to two parameters: 1- sociologically it was based on authentic theory, 2- Shi'ism, despite its long reluctance to interfere in politics and because of the development which had begun since the Safavids, stepped in directly and took over the modern phenomenon of critique of modernity and established the Islamic republic. Institutionally, the new regime is based on democratic (modern) pillars, such as a written constitution, separation of powers, and direct elections. However, at the same time, traditional elements derived out of a particular interpretation of Shi'ism

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[213] By movers and shakers, we mean a range of intellectuals, politicians and even clergymen, whose thoughts and efforts made a difference.

constitute the criteria upon which the whole system stands for. It is essential for us to scrutinise the materialised phenomenon of Islamic discourse of the Islamic Republic. In the next chapter, we attempt to shed light at the structural dimension of the Islamic Republic by analysing its interwoven nature, as having a religiously derived character, but pragmatist policies. In short, we look for the implementation of religious ideals and through modern democratisation and also undemocratic institution.

3. CHAPTER THREE: THE ISLAMIC REPUBLIC OF IRAN, CONSTITUTION AND PARLIAMENT

3.1. INTRODUCTION

The mass revolt of 1979 in Iran surprised almost all observers, from journalists and diplomats to political theorists. From its beginning, it attracted very strong international attention and therefore many works have set out to analyse such an unexpected revolution. However, despite the sizeable portion of literature devoted to the causes and nature of the Iranian revolution in 1979, many issues remain un-clarified and unresolved.[1] In other words, for many an inclusive theoretical framework within which we could describe the Islamic Revolution has yet to be achieved. It is also argued that the Islamic Revolution with its unique characterisation has caused a disruption in the political theory of revolutions.[2] Nonetheless, the classical theories relating to social revolutions always provide substantial ground for further investigations, two viable examples being Marxism and structuralism.

To explain socio-political revolts, Marxism insists on an analysis of classes, their coalitions and conflicts, while structuralism looks for the units of a society and the rules governing them. Since the 1960s, a trend in social science based on scientific discourse introduced "structural functionalism". This approach looks for disequilibrium in the relationships between the economic, political and cultural subsystems of society.[3] For example, James C. Davies examined "frustrated expectations" and "relative deprivation" as sources of revolt. Subsequently, some have applied Davies's 'J-Curve' theory to explain the

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[1] For example: 1- *The Iranian Revolution and the Islamic Republic*, (ed), Nikki Keddie and Eric Hoglund, 1986. 2: *The Iranian Revolution: Its Global Impact,* (ed) John L.Sposito, 1990. 3: *Economic Origins of the Iranian revolution,* Robert L. Looney, 1982, etc.

[2] That is why the most prominent scholars on Iranian politics like Homa Katouzian, Fred Halliday and John Foran introduced a new model designed for explaining the Islamic Revolution, instead of rendering other theories to explain it.

[3] See *Social Structure and Mobility in Economic Development*, (ed) Neil Smelser, and Seymour Martin Lipset, London, Routledge and Kegan Paul, 1966.

Islamic Revolution.[4] This theory states that a period of increasing prosperity followed by a sudden economic decline can lead to a social revolt.[5] This is a direct reference to Iran's oil boom after 1974. However, John Foran agues differently:

> It is doubtful that a single factor theory can explain the outbreak and most of these models suffer from reducing collective action to psychological states that are hard to observe or measure. They are also cast at a very high level of abstraction that make it hard to see why revolutions are so rare, given that discontent presumably always exists among some sector of a population.[6]

On the other hand, the positive side of Davies's approach has been to take seriously participants' beliefs and sentiments, which was not the case with either structuralism or Marxism. Even behaviouralism proved not very applicable, in particular for religious societies, simply because its core foundation is based on rational choice theory that again is derived from a materialistic perspective. Therefore, it is not applicable to strongly religious societies. The absence of a peasant component in the Islamic Revolutionary coalition affected the arguments of structuralists like Barrington Moore, Eric Wolf, Jeffery Piage and Theda Skocpol.[7] As a result, the importance of culture and ideology, either religious or secular took the lead and gained substantial weight. In addition, the uniqueness of the Islamic Revolution posed a question for social theorists in the early 1980s, whether or not the Islamic Revolution should be considered as a uniquely non-standard case of revolution, or whether the causality of social revolutions (linear progress theory) should be re-examined in the light of the evidence from Iran[8]

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[4] Nikki R. Keddie, 'Iranian Revolution in Comparative perspective' in *American Historical Review,* no.88, June 1983, p.589.
[5] See *When Men Revolt and Why: a Reader in Political Violence and Revolution*, (ed) James. C. Davies, London, Collier McMillan, 1971.
[6] *A Century of Revolution, Social Movements in Iran*, (ed) John Foran, University of Minnesota, 1994, p.161.
[7] Ibid.
[8] Ibid, p.162.

Foran argues that a survey on the literature written on the Islamic Revolution reveals the necessity of further developments within conventional social theory.

In sum, he puts forward four explanations of the occurrence of revolutions: 1- the cultural significance of the revolution, 2- political economy and structural disequilibrium, 3-politics-oriented resource mobilisation approaches, and 4- conjunctural, multi-causal analyses. The first view is the official interpretation of the post-revolutionary regime as it has also been stated in the preamble of the Constitution.[9] Hamid Algar advocates such an opinion and says: "the Islamic Revolution has been, among other things, an implicit repudiation of Marxism as a revolutionary ideology and as a doctrine relevant to the problems of the Iranian society or valid for humanity at large."[10] This factor also finds its believers in secular and post-orientalist sociological theorists like Theda Skocpol. She states: "This remarkable revolution forces me to deepen my understanding of the possible role of idea systems and cultural understandings in the shaping of social action."[11]

Alternatively, the theorists who oppose a cultural approach reinstate the setting of political economy and its rational causality in social revolts to explain the Islamic Revolution. M.H. Pesaran for example argues:

> Contrary to what might appear at first, the February Revolution came about not because of a sudden and dramatic Islamic resurgence, but largely as a result of socio-economic conditions and ever-rising inequalities as well as political suppression by the old regime that became intolerable as soon as the masses realised it was possible to avoid them.[12]

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[9] The causes of the revolution were not economic; rather, the Shah was overthrown for not adhering to Islam. Inserted to the preamble of the Constitution by Ayatollah Beheshti.
[10] Hamid Algar, in Preface of *Ali Shari'ati, "Marxism and Other Western Fallacies: An Islamic Critique"*, Berkley, R. Campbell, 1980, p.12.
[11] Theda Skocpol, 'Rentier State and Shi'a Islam in the Iranian Revolution' in *Social Revolutions and the Modern World*, Cambridge University press, 1994, p.268.
[12] Abrahamian, *Iran Between Two Revolutions*, p. 23.

Slightly differently, Ervand Abrahamian maintains the structural disequilibrium between the economic and political development in Pahlavi's period as the main cause of the Islamic revolution. He states:

> The failure of the Pahlavi regime to make political modifications appropriate to the changes taking place in the economy and society inevitably strained the links between the social structure and the political structure, blocked the challenging social grievances into the political system, widened the gap between new social forces and the ruling circles, and, most serious of all, cut down the few bridges that had in the past connected traditional social forces, especially the bazaars, with the political establishment.[13]

In contrast to previous approaches, another useful trend to explain the Islamic Revolution has focused on political dynamics. Misagh Parsa employs "resource mobilisation theory" to describe the emergence of a revolutionary coalition based on class and group interests, communication networks, organisations, resources, and leadership.[14] This theory provides an inclusive ground when taking into account almost all the elements involved in making the revolution such as bazaaris, the working class, the clergy and intellectuals. John Foran praises this theory by saying: "resource mobilisation theory is at its best in studying the dynamics of social movements, rather than as a theory of the causes of revolution per se, either on the macro-structural level of development or on the cultural-ideological motivational level of the actors themselves."[15]

To be more precise in the case of the Islamic Revolution, Val Moghadam introduces a "populist" approach. Her theory emphasises both cultural and political factors at the same time, however, giving more attention to the political behaviour of a society based on its economic interests rather than political

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[13] Ervand Abrahamian, '*Structural Causes of the Iranian Revolution*' in MERIP (Middle East Research and Information Project), May 1980, p.21.
[14] Misagh Parsa, *The Social Origins of the Iranian Revolution*, New Brunswick, Rutgers University press, 1989.
[15] John Foran, *A Century of Revolution*, p.164.

culture and beliefs. She argues that "although the February Revolution emerged as a complete Islamisation outcome, it must be seen as a populist, rather than an Islamic upheaval. The reason lies within broad-based coalitions of a populist movement (multi-class) which have the best potential to succeed, although tending to disintegrate after succession."[16] It occurred in the post revolutionary era in Iran, when the ulama, secular intellectuals, merchants, artisans, workers, the urban poor, the peasantry and women across various classes began to struggle for their own interests. In fact, a populist coalition acted as a short-lived alliance to reach a primary target—the overthrow of the Shah—whereas, the main target naturally was seizing power.[17]

Another suggested theory of the Islamic Revolution is "multi-class populist coalition". This theory insists that the causes of the revolution are multiple, "that they had to occur together—i.e. conjunctural—and that they operated along economic, political and cultural/ideological axes."[18] In regard to the Islamic Revolution Michael Fischer says: "The causes of the revolution, and its timing were economic and political; the form of the revolution, and its pacing, owed much to the tradition of religious protest."[19] Fred Halliday also maintains this inclusive understanding and tries to make a complex system which fits into the nature of the Islamic Revolution. He maintains: "the main reason why the Revolution occurred was that conflicts generated in capitalist development intersected with resilient institutions and popular attitudes which resisted the transformation process."[20] Halliday classifies five principals which he asserts can help explain for the Islamic Revolution: 1- Rapid and uneven capitalist development, 2- the political weakness of the state (monarchy), 3- the broad coalition of the opposition forces, 4- the mobilising force of the Islamic religion, 5- the ambivalent international context.[21]

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[16] Valentine M. Moghadam, 'Populist Revolution and the Islamic State in Iran' in *Revolution in the World System*, (ed), Terry Boswell, Greenwood, Westport, 1989, p.147.
[17] Ibid.
[18] John Foran, ibid.
[19] Michael M. Fischer, *Iran, From Religious Dispute to Revolution,* Harvard University Press, 1980, p.190.
[20] Fred Halliday, 'Iranian Revolution: Uneven development and religious Populism' in *Journal of International Affairs,* no.36, 1982-83, p. 193.
[21] Ibid.

But until recently, in analysing the Islamic Revolution less attention was given to paradigm shifts and the dialectic of discourse. Throughout the last two chapters we studied the trajectory of conceptual developments both regarding contemporary theorising of democracy and Islamo-Iranian political cultural. The prevailing Islamic discourse of 1979 created a new set of modern institutions embodying both democratic and undemocratic institutions and functions. Therefore, in the case of the Islamic Revolution, although political and economic disequilibrium played a critical role in making it happen, the weight of cultural, religious and political parameters was heavier. This is the fundamental conclusion upon which we will base our argument in terms of describing the institutional changes of the Islamic Republic, while the state-society structure still struggles to adapt new democratic concept (conceptual level).

Based on applying the critical social theory which we developed in previous chapters, we arrived at authenticity discourse, within which the combination of Islamic elements and political institutions is not considered merely anti-modern or reactionary. Hence, in this chapter we embark on addressing the institutional framework and principles of the Islamic republic. Our aim is to support the hypothesis that the Islamic Republic as the produce of Islamic discourse is in the line of an "evolutionary encounter and embracing of modernity". In other words, although we will explain the both democratic and undemocratic elements embodied in the constitution, the whole framework provides a ground for a kind of internal dynamics conducive for democratic exercise and ultimately transition. To this end, we will study the formation of the Islamic Revolution's subsequent expression that is the Islamic Republic and its constitution

From the political science perspective too, the Islamic Revolution brought about widespread institutional changes which reflected the popular demands of a frustrated population in various economic, political and social arenas. Therefore, with the hindsight of the revolutionary configuration (main revolutionary forces) which comprised largely of the educated middle-class who unwittingly helped to create a religiously bound regime, we can attribute the emergence of the Islamic Revolution as a reaction to the current political order (state-institutions), not specifically to the social order (social classes-structure). So the application of

conventional political theories, not only solves the problem, but also adds to the dilemma.

In addition, there are considerable accounts regarding the institutional setting of the Islamic Republic which enlist it within countries seeking out democracy. Opting for various democratic principles within the constitution of the Islamic Republic and in particular the creation of a relatively strong parliament demonstrates a shift towards democracy (at a procedural level). Nevertheless, such a shift has been halted through the same constitution which makes it ultimately dysfunctional (lack of operative principals). This is a grey area of interwoven paradox in which the conceptual level still does not yet correspond fully with the procedural level. In the following section, based on our previous observation in Chapter Two, we will explore the strong presence of a particular interpretation of Shi'a political thought envisaged by Ayatollah Khomeini in the constitution and alongside other modern and democratic elements, notably the parliament.

As mentioned in the first chapter, the existence of democracy depends on three fundamental levels: conceptual, procedural and operative. An absence of either of the first two causes a puncture in a developing democracy, preventing the system reaching its operative level. In this chapter, we will discuss the existence of democratic procedures in shaping political order in the Islamic Republic. However, in order to discuss the conceptual dilemma, we shall first examine the relationship between religious authority and the legal and political structures. In so doing, we will first analyse the embodiment of the theory of the "*rule of the jurist*" in the popular Islamic discourse prior to the revolution and hence into the constitution. In other words, we want to find out how this concept was transformed into an institutionalised model of governance. With the hindsight of what already has been discussed in the previous chapter, and based on the conceptual background linking Shi'a Islam to government, we will focus on Ayatollah Khomeini's ideas and precepts. We will elaborate in more detail the prevailing interpretation of political Shi'a incarnated in jurisprudent rule (*wilayat al-faqih*).

Then we will focus on the legislative organ (National Assembly) as a structurally democratic element or *elected institution,* sanctioned by the constitution. However, as there are various *non-elected institutions* empowered by the ruling jurisprudent with vested legislative prerogatives, it is essential to measure their counterproductive effect on the functionality of the parliament. Such parallel legislative organs hold a heavy sway over the parliament's verdicts, through either validation, rejection, or even the power to pass legislation separately.[22] The second half of this chapter will explain their effects on the main legislative body. These co-legislative organs are the Guardian Council, the Expediency Council, the Supreme Council for National Security, and the Supreme Council for the Cultural Revolution.

3.2. THE ISLAMIC REVOLUTION

Politically speaking, the phenomenon of Islamic revolution served to implement Islam through the bearers of this belief known as Islamists. For them, Islam is not only a religion, but a political system where Islamic law is pre-eminent in all fields of society. The revolution was unique for the surprise it created throughout the world: "it lacked many of the customary causes of revolution—defeat at war, a financial crisis, peasant rebellion, or disgruntled military".[23] It overthrew a regime thought to be heavily protected by a lavishly financed army and security services.[24] Hence, applying the conventional theories of revolutions seems to be not very satisfactory.

Nevertheless, the general study of socio-political revolutions has always been an essential area of research in social sciences. Even now, given the advances in the recording and documentation of whole episodes, the truth of the experience needs to be unearthed through classical methods of research, such as theory testing, experimental examinations of existing assumptions, and making new deductions. In other words, the very cohesive nature of revolutions limits the

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[22] The Guardian Council validates or reject. The Expediency Council, the Supreme Islamic Cultural Revolution and the Supreme Council for National Security can pass the law.
[23] Arjomand. *Turban*, 1988, p.191.
[24] Ervand Abrahamian, *Iran between Two Revolutions*, 1982, p.492.

possibility of conducting comprehensive scientific research at the very time the revolution is occurring. Therefore, different attempts have been made to describe revolutionary phenomena, including the Iranian Islamic Revolution. Of course, each account accentuates particular aspects and dimensions of the whole. The list includes theories on cultural and religious importance, theories on socio-economic factors, theories based on stressing geo-political and international politics, or even highlighting the conspiracy theory.[25]

The political culture theory mainly explores the values and inspirations that mobilised the masses against the former regime; it considers the historical, communal and psychological context of the society in which a revolution occurs. By applying this approach to the Islamic Revolution, the massive role and influence of Shi'a political thought inspired by certain clergy become more apparent alongside the appetite in a majority of the population for a return to an "authentic self". On the other hand, theories of political economy only shed more light on the issues relating the imbalanced distribution of resources and structural inadequacies throughout state-society relationship. For example, Robert Looney has analysed the strategy of economic development by the Shah's regime, revealing its substantial underestimations and faults.[26]

An unbalanced relation between economic transformation and the distribution of resources dramatically undermined the level of support for the regime. Notably, Homa Katouzian in *The Political Economy of Iran* presents a description of the causes of the Islamic revolution. He examines Iran's conditions from the nineteenth century until the establishment of the Islamic Republic. He identifies 1961-1978 as the years of oil dictatorship in which the symbols of modernism were being fed by an ever-increasing oil income. According to him, this artificial situation gave shape to what he calls pseudo-modernism: non-critical negation of traditions, values, agencies, and so on; and Iranians as handicapped people.[27]

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[25] Refer to scholars named in the introduction of this chapter.
[26] See Robert Looney, *The Economic Origins of the Iranian Revolution*, New York, Pergamon Press, 1982.
[27] See Homa Katouzian, *The Political Economy of Modern Iran: Despotism and Pseudo-modernism in Iran, 1926-1979,* London, Macmillan, 1981.

He goes further and argues that a combination of oil dictatorship (rentier state) and pseudo-modernism underpinned the origins of the Iranian revolution. Thus, either we attribute the causes of the Islamic Revolution to a mere socio-economic basis (scientific discourse), or attribute it to purely cultural and religious factors (discursive analysis); we cannot ignore the fact that the structure of the Islamic Republic as the product of the Islamic Revolution is based on cultural and religious elements (Shi'a Islam). By granting a specific interpretation of Islam and the installation of its elements into the constitution, the new system was designed accordingly to meet ideological aspirations.

The proposed Islamic mandate overshadowed other socio-political developments and strengthened its superiority. In short, democratic legislation was legally limited within scope of the Islamic law.[28] Therefore, we can conclude, although various social economic and political factors paved the way for the Revolution of 1979, its results and consequences were shaped by cultural and religious elements (authentic discourse). Thus, the emphasis of the next section is mostly on identifying and evaluating the conceptual background of such a political and ideological system.

3.2.1. THE CONCEPTUAL BACKGROUND

Prior to the establishment of the Islamic Republic, a spectrum of advocates of Islamic discourse intended to portray a legitimate, righteous and historic framework for the theory of "Islamic Government".[29] They linked the inspired Islamic regime back to fourteen centuries ago when the first Islamic state was established in the Arabian Peninsula by the Prophet Muhammad (S). Thus, a range of revolutionary clerics aimed their efforts to establish a source of legitimacy and sanctity, buttressed by conventional principles of Twelver Shi'a school of thought and law. They craved to prove their interpretation of Islam in

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[28] For example, the constitution stipulates the commitment of the Islamic Republic's government to other Muslim communities around the world which prevent having a normal modelling of national interest.

[29] Hussein Ali Montazeri, *Hukumat-i Faqih* [the Ruling of Jurist], Qum, Rah-i Islam Publishing, 1359 [1980], p. 2-4.

general and Shi'ism in particular with "divine order" that is the Holy Koran and the Prophet Muhammad (S) and Twelve Imams' sayings and doings.[30] It is a fundamental belief in Shi'ism that the exclusive legitimate successor of the Prophet is Imam Ali and his eleven descendents. It is one of the fundamental elements of Shi'ism that Imam Ali was directly appointed by the Prophet before his demise.[31] Accordingly, because of political rivalry, Ali was denied to obtain his *right* to rule. This denial to righteous successor for Shi'ism meant illegitimacy of any government after the Prophet, although based on historical evidence endorsed by the Shi'a Ulama, none of the Twelve Imams, aroused to fight to obtain that *promised* political power.[32]

In other words, according to the Shi'a school, the righteousness of any rule is solely by the immaculate Imam but this will not occur until the majority of the people accept and convey this power to him. Also, it is evident that throughout the presence of Islam in Iran we cannot find any uprising against the ruling system in favour of returning the power to *fuqaha* as the only legitimate successors of immaculate Imam. Therefore, the only legitimate rule can be conducted by immaculate persons, explicitly, and no other person. [33] On the other hand, as the Shi'a school trust, the last immaculate Imam is in hiding now; he will appear someday and will establish the promised fair and just government. Until that day, there is no legitimate government whatsoever.[34]

As already mentioned in chapter two, however, the only sub school of Shi'ism which had co-existed with any ruling system was the Usuli sect. This school began to flourish and become dominant during the Safavid Empire as the Safavids needed their support to resist the Ottoman Empire and the Usuli clerics needed the Safavid to become the leading religious establishment in Iran. Not surprisingly, this alliance was deliberately inherited by the Qajars and went

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[30] In Shi'ism, this source is expanded to the twelve Imam's sayings and doings as well.
[31] In Chapter Two we discussed the various aspects of Imam Ali's approval by the Prophet as whether it was a governmental succession's appointment or otherwise.
[32] I'mad al-din Baqi, *Jami'ah Shanasi-i Qiyam Karbala* [the sociology of Karbala movement], Tehran, Tarh-i Naw, 1383 [2004], intro.
[33] According to Shi'ism, the immaculate persons are strictly limited to the Divine Prophets, the twelve Imams plus Fatima (daughter of the Prophet Muhammad).
[34] The *Hujjati* Association in Iran is one of advocates of this belief. They do not even recognise the Islamic Republic as a legitimate Islamic government.

further to its ultimate stage of considering the Shah as 'God's shade on the Earth'. The Pahlavis were not keen to convey a great deal of reputation and power to the ulama but, at the same time, were very anxious not to cause them offence by their secular attitude.[35]

Following the traditional alliance between the government and the Usuli ulama since the Safavid and Qajars dynasties—although weakened by the Pahlavis—some of the ulama were provoked to reclaim their influential role. After toppling the national government of Mosaddeq in 1953, and reinforcing a suppressive mode of governance by the Pahlavi regime, the majority of people felt frustrated with the secular discourse represented by the current political parties and individuals and went into a disgruntled silence. This frustration and apathy gradually turned into an embrace of Islamic discourse. Al-e Ahmad and Shari'ati contributed greatly to this shift. The amalgamation of Islamic intellectualism and political Islam envisaged by Ayatollah Khomeini gained momentum and toppled the Pahlavi regime.

In general, the discourse of revolutionary Islam was not a pre-existing ideology based on the well-known political theory of classical Shi'ism, but the existence of a strong religious entity with its broad influence on the Iranian political sphere. In fact, the period between the Tobacco protest movement and the triumph of the Islamic Revolution can be viewed as the embryonic period of political Shi'a. As a matter of fact, there was close collaboration with the ulama from Mirza Shirazi's fatwa on banning tobacco, until Ayatollah Kashani's strategic alliance with Mosaddeq. Nevertheless, such collaborations can be perceived as a request to implicate Islam when *necessary*, not implementing Islam throughout the government verse by verse.[36] In other words, there was no ready political interpretation of Islam to be employed by discontented groups against the monarchy, and in particular against the Shah. Only following a decade of political silence after 1953, a few ideological icons such as Ayatollah Khomeini, Ayatollah Mutahhari, Dr. Ali Shari'ati, and Jalal Ale-Ahmad voiced

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[35] Suliyman Behbudi, *25 Sal ba Reza Khan Mir Panj* [25 Years with Reza Khan Mir Panj], Tehran, Tarikh Publishing, 1364 [1984], p. ix.
[36] Ali Mirsepassi, *Intellectual Discourse and the Politics of Modernisation: Negotiating Modernity in Iran*, Cambridge University press, 2000, p. 79.

their opposition to the status quo and demanded reform based on a return to Islam (self). Their reasoning proved to be appealing and mobilising thanks to the restraints, repressions and uneven distribution of resources imposed by the secular-modernist Pahlavi regime.[37]

The idea of an Islamic regime was then construed in contradistinction with the current state ideology of the Shah's regime because, for the revolutionists, the aim was to oppose the *ideology* of the state. To a large extent, the ideal model was in *reaction* to what the Shah's regime was based on. Interestingly, the revolutionary movement was a heterogeneous combination of various Islamic and non-Islamic ideologues with totally diverse backgrounds, interests and political aims, but with one common enemy, the Shah. The opposition's demand was not the overthrow of the Shah in the first place, since opposite opinion existed amongst them. But public unease accumulated over the regime's performance—politically and economically—and the government was unable to address this in due time and with a consistent course of actions.[38]

The increasing affiliation towards Islamic discourse coupled with the resentment towards the Pahlavis' secular and semi-modern agenda produced a rebellious zeal. This mobilising adherence emerged throughout the masses and tackled the Pahlavi regime's authority and stability. At the same time, the constitutional monarchy had practically been altered into an absolute monarchy. The extreme exclusiveness of the political system in general and the weakness of the parliament in particular greatly contributed to widening the split between the majority of society and the ruling system. The implementation of a liberal policy on cultural affairs had worsened the situation and irritated the majority of Muslim believers who finally returned to their grassroots (Islam and clerics).

In the early 1970s only a faction among the low ranking clerics affiliated to Ayatollah Khomeini's scholarship took advantage of the Shah's unpopularity within the masses and publicly demanded the establishment of an Islamic

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[37] Mansur Moadel, *Class, Politics and Ideology in the Iranian Revolution,* Columbia University Press, 1993, p.144.

[38] For example, order to dismantle the existing political parties and establishing a single party "*Rastakhiz*".

government under the exclusive control of the supreme religious leader (the *faqih)*. The majority of the ulama treated this trend with apathy and preferred not to challenge it.[39] The rest of the opposition, however, consisted of leftists' forces with considerably varied religious beliefs and manifestos, from the mixed Muslim-Socialists of the People's Militant (*Mujahidin Khalq*) to pure Communists (*Hezb-i Tudeh*).

All in all, the Iranian Revolution of 1979 was not that different from the French Revolution of the late eighteenth century, or the Russian Revolution of the early twentieth century.[40] In both these cases, violence, chaos, conflict and radical politics came to dominate the system for years thereafter. Simply, following the collapse of the former regime, each of these post-revolutionary societies were characterised by an extended period during which rival forces contended for the control of the state apparatus.[41] Likewise, in the outset of the Iranian Revolution, all opposition forces were united in their objective of overthrowing the monarchy. Once it was achieved, division and conflict arose over the issue of what type of government should be implemented in Iran.

As was the case with the Iranian intellectuals discussed in the previous chapter, the number of political factions or *ideologies* involved in resisting the Pahlavi regime was quite diverse too. They ranged from the *Tudeh* (Communist) Party to the Islamist fundamentalist of the *Fadaiyan-i Islam* (Islamic Brigade), from the moderate National Front to the conservative clerics (mostly based in Tehran and Mashhad). But not surprisingly, this time a symbol of the ulama—in the absence of any compatible lay figure—took the leadership of the movement. Ayatollah Khomeini had begun his open criticism of the Shah's regime in the early 1960s. His sharp condemnation of the performance of the Shah's regime plus his clerical manner which could convince the masses led him to be perceived as a very capable major opposition leader. However, in spite of previous confrontations, this time the dispute was not over *how* to rule but about *who* ought to rule.

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[39] Mirsepassi, *Intellectual Discourse and Politics of Modernisation,* p. 81-84.
[40] Bakhtiar, *The Parliamentary Politics in Revolutionary Iran*, Florida University Press, 1996, p.53
[41] Seyed Amir Arjomand, *The Turban for the Crown: the Islamic Revolution in Iran*, New York, O.U.P. 1988, p.183.

In fact, Khomeini's project commenced in 1940s, with the writing of a series of essays discussing the "virtue of ruling the state in accordance with the Islamic principles". From the beginning, he wisely suggested that those trained in religious law should not rule but rather should act as guardians. "We do not say that government must be in hands of one *faqih* (jurisprudent); rather we say that government must be run in accordance with God's law, for the welfare of the country and the people demand this, and it is not feasible except with the supervision of the religious leaders."[42] This statement to some extent resembles the same proposition made by Shaykh Nuri during the process of writing the Constitutional supplementary, although with one difference. That is, Nuri insisted on establishing a religious authority to supervise legislative proceedings, whereas Khomeini stipulates the necessity of Islamic supervision throughout the whole system: politically, socially and economically.

During Ayatollah Khomeini's exile in Iraq, he developed his views on governance, and elaborated them more specifically in a series of lectures which were later published under the title of *Hukumat-i Islami* (Islamic government). Accordingly, following the overthrow of the Pahlavi regime, Khomeini's hardliner advocates made their best effort to incorporate his ideas into a new constitution for an Islamic Republic. The foundation stone of the new regime was based on the *rule of the jurist* instead of the King. Khomeini explicitly stated that a jurist (*Mujtahid*) "has the same authority that the Noblest Messenger (the Prophet) and the Imams had", except that that authority was granted directly by God whereas, in this case, the religious experts should discover it within themselves.[43]

Although Ayatollah Khomeini spoke of equal functions, it did not mean that he equated the status of a *faqih* with that of the Imams and the Prophet. Very wisely, by saying "authority", he meant the government: the administration of the country and the implementation of the divine law, the Shari'a. Practically, the governance of the jurist is a type of appointment, like an appointment of a

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[42] Ruhollah, Khomeini, *Kashf al-Asrar* [Discovery of Divine Secrets], Tehran, Amir Kabir Publication, 1369 [1990], p. 222.
[43] Hamid Algar, *The Roots of the Islamic Revolution*, London, Open Press, 1983, p. 38.

guardian for a minor. However, it seems that Khomeini's theory was initially accepted by the masses, providing him with an absolute support in the course of the revolution, as he was called Imam by the people without any official announcement. Meanwhile, other high-ranking Ayatollahs did not show their agreement with Khomeini's radical proposal of rule by jurists.[44] Obviously they knew that the success of Khomeini in establishing and expanding his theory meant not only the rule of one Ayatollah over the people, but also the rule of one Ayatollah over other Ayatollahs.

In addition to other socio-political constraints which the notion of *wilayat al-faqih* would cause, either on conceptual or procedural levels, another major problem is the plentiful number of *fuqaha* who are literally present and also eligible to practice this theory. For instance, what about the distinguished Ayatollahs who do not believe in this theory and yet are known as Grand Ayatollahs?[45] If it was subject to the discretion of the people's vote to choose a leader from the jurists, then this argument would be obscured altogether. But, when the mechanism to appoint the leader to rule over the state is perceived as an illumination process (*kashf-i misdaq*) which is something empirically false, ground is laid for disagreement and uproar among the jurists. [46]

Once the triumph of the Islamic Revolution was assured on 10 February 1979, Ayatollah Khomeini set up a Revolutionary Council composed of his devoted supporters. Soon after, the council proposed to Khomeini the creation of a provisional government headed by Mahdi Bazargan, the secretary general of Iran's Freedom Movement (IFM). It was a very wise decision at the time to appoint some moderate and well respected figure as Interim Premier though with very limited power. The real power resided in the Revolutionary Council where critical decisions were made such as holding referendums, dismantling a vast

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[44] For example, Ayatollah Shari'at-madari.

[45] For example, Grand Ayatollah Khuyi, Grand Ayatollah Gulpaygani and Grand Ayatollah Shari'at-madari, who were known as Khomeini's teachers but did not agree with his theory. Thus, from the point of major Shi'a leaders, the legitimacy of *wilayat al-faqih's* theory is in doubt.

[46] There are widespread although oppressed disagreements between the Grand Ayatollahs sitting in Qum, Mashhad, and Esfahan over the theory of *wilayat al-faqih*. But, according to a traditional principle of Shi'ism, they do not tend to announce it publicly (*taqiya*).

part of the army and more significantly taking over the policing and security management.

The advocates of Islamic doctrine were successful in monopolising the achievements of the revolution as the key military and judicial posts were kept exclusively for them. Symbolically, by choosing the title: Islamic Republic; instead of Democratic Republic or even Democratic Islamic Republic, the "fundamentalists proved to have the upper hand from the beginning of the process".[47] On 30 March 1979, a referendum was conducted which with ninety eight percent of *yes* votes replaced the monarchy with an *Islamic Republic*. The major secular parties like Tudeh Party, the National Front and the Iran Freedom Movement (IFM) had no choice but to accept the formulation of the Islamic Republic since the balance of power was in favour of the Islamists.[48]The next stage was to draft a new constitution for the new Islamic Republic. For the theocrats the importance of writing an Islamic constitution was well received, but the obstacle was laid on the other side of the coalition which intrinsically believed in a non-Islamic system. The paradox was to write a constitution which had to embrace a selection of contradictions while continuing Islamic elements due to the beliefs of a majority of the people. The result was a mixture of both religious and non-religious elements.

Schirazi in *The Constitution of Iran* argues that two fundamental contradictions within the constitution of the Islamic Republic emerged which had a decisive impact on the management and development of the Iranian state since the revolution. The first is the contradiction between the constitution's Islamic legalists and the non-Islamic or secular elements, which surged largely from the claim that the state is set up on the basis of the Shi'a School of Islam. According to him, the state should be ruled by an Islamic jurist (*faqih*) who is capable of offering the solutions needed for all problems, not only in Iran, but throughout the world. The second is the contradiction between its democratic and anti-democratic elements, arising mainly from the conflict between the two

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[47] Shaul Bakhash, *The Reign of the Ayatollahs: Iran and the Islamic Revolution*, London, I.B. Tauris, 1985, p. 72.

[48] However different political parties refused to accompany this process and boycotted themselves from the mainstream. For example: the Kurdistan Democrat party and the Pan Iran-ist Party.

notions of sovereignty embodied in the document: the sovereignty of the people on the one hand, and of the Islamic jurists on the other. That is the sovereignty that the jurists should exercise as God-appointed-deputies.[49]

3.2.2. THE POLITICAL THOUGHT OF AYATOLLAH KHOMEINI

Ayatollah Khomeini expressed his opinions on various issues regarding religion and governance from the 1940s in his seminary sessions at Qum, until a few weeks before his demise in 1989. He performed a dual role as a charismatic political leader who took charge of toppling a long-established monarchical system, and as a religious and spiritual pontiff extracting Islamic notions for practical and political motions. However, due to limited space we should summarise our discussion into three major categories envisaged and described by Ayatollah Khomeini: 1- the political foundations of an ideal government. 2- Jurisprudent rule, appointment or election? 3- Ayatollah Khomeini's elaboration on democracy. The primary sources in conducting this analysis are Ayatollah Khomeini's books: *Hukumat-i Islami* (Islamic government), *Sahifahiyyih Nur* (pages of light) and *Wasiyat namahiyyih Siyasi-I'badi* Imam (Imam's political-spiritual will). Towards the end of this section, having explained Ayatollah Khomeini's ideas, we will verify to what extent his thoughts were congruent with the avowed ideals of "authentic discourse" initially intended by intellectuals.

To be precise, Ayatollah Khomeini's will has been taken as a sample from which to extract the fundamental elements upon which he conducted his spiritual and political leadership. The result demonstrates ten major concepts which Ayatollah chiefly avowed. We have employed two criteria for pinpointing these main concepts, first: direct correlation with politics and governance, second: the significance and the value these concepts had for Ayatollah Khomeini. To measure the significance, we have also considered the juxtaposition of words and their denotation:

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[49] Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic*, London, I.B. Tauris, 1996, p. 39.

1- *Istiqlal* (independence): this concept and its sub-categories: self-sufficiency, denunciation of dependence, rebuffing Western or Eastern influence, either in terms of political dominance or intellectual tendencies. This term has been the most repeated preoccupation echoed by Ayatollah Khomeini in his will which amount to 39 times.

2- *Azadi* (freedom): in16 occasions this notion is referred to. Interestingly, 4 citations are related to the negative aspects of Western freedom, such as freedom to be immoral. 12 times, however, freedom is praised as a positive concept alongside independence.

3- *Hukumat-i Islami* (Islamic government): this notion and other connotative phrases such as divine rule, divine trusteeship and Allah's government were mentioned and emphasised 11 times.

4- *I'dalat-i Ijtama'i* (social justice): 6 times explicit referral is made to this concept without taking into account other similar and synonymous terms.

5- *Wahdat miyan-i Muslimin* (unity of Muslim's): this ideal was mentioned 6 times.

6- *Yiganagi Din va Siyasat* (integration of state and religion): 6 times the emphasis on integration and direct interaction between religion and state was mentioned.

7- *Hukumat-i A'dl* (just rule): in the terminology used by Ayatollah Khomeini, just rule is different from the empirical social justice and is meant to represent divine justice.

8- *Ijad-i wahdat miyan-i Bashariyat* (unity among human beings): at three points, this notion is mentioned as distinct from the call for unification of Muslims.

9- *Ijra-i A'adilanahiyyih Qavanin* (just law enforcement): 2 direct references are made to the necessity of implementing "just" law and regulations.

10- *Nijat-i Bashariyat* (Human beings' salvation): 2 reform to how human societies should be salvaged from the spiritless restraints imposed on them in modern life.

The abovementioned concepts emphasised by Ayatollah Khomeini indicate and also stipulate the qualities upon which a good government is to be based. Obviously, these qualities represent a certain political idealism. This idealism therefore necessitates an operating institution and that was decided to be the Islamic Republic.[50] Statistically, "independence" has been repeated more than any other concept, following by "freedom" and at the third stage is the notion of "Islamic government". A very significant issue, frequently mentioned throughout the rhetoric of Ayatollah Khomeini, is the "public participation" (*musharakat*). He completely recognises the indispensable role of "revolutionary people" in making the "system of Islamic Republic".

By analysing the text of Ayatollah Khomeini's will, we can grasp the meaning of such participation in two categories: 1- the epistemology of participation. 2- the methods of participation.

1- The epistemology of participation: from Ayatollah Khomeini's perspective, public participation is a "responsibility" not merely a "right". He repeatedly stated that people's participation at various field relating to governance and government was a religious duty and therefore, obligatory.[51] He maintained, therefore, that non-participation or public apathy was "considered as a sin, and also sometimes a great sin which cannot be pardoned."[52]

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[50] Because since the establishment of the Islamic Republic, some radical Islamists criticised the notion of republicanism and instead put emphasis on Islamic government.
[51] Ruhullah Khomeini, ibid, p.70.
[52] Ibid, p.71.

2- The methods of participation from Ayatollah Khomeini's point of view are various. It encompasses a range of ideologically bound obligations which cannot be seen as democratically inspired, rather a set of guarantees for the fulfilment of: "voting in elections"[53], "protecting and preserving the state and the government"[54], "supporting the government in order to solve the problems"[55], "taking action against errors and mistakes either done by the state or others"[56], "seeking to accomplish the goals of the Islamic state"[57], "spotting and resisting foreign influence and agents".[58]

Having said all this, the most important theory through which Ayatollah Khomeini construed the idea of Islamic government is that of jurisprudent rule (*wilayat al-faqih*). We elaborated on this concept in the previous chapter. In this section, we will provide more details on how Ayatollah Khomeini formulated this concept on first examining his books we may find contradictory precepts on the quality and the way of appointment of the ruling jurisprudent. For instance, in *Al-Bey'* (to buy), Ayatollah Khomeini states that the *wali faqih* is appointed by God and relates his argument to the issue of Twelve Imams and their legitimate rule according to Shi'ism. Therefore, based on this view, God (*Share'*) "assigns the post of jurisprudent rule", then the "just jurisprudents" are assigned rulers, so that the people are "ruled over".[59]

This argument is based on the same principal precept of Shi'ism which considers only the rule of the infallible Imams as the source of legality and legitimacy. Therefore, since the Imam's rule is sanctioned by divine authority due to his infallibility, a jurisprudent who acquired the specifications of the Imam would be seen as a legitimate ruler. According to this view, people have no role in his appointment and should only obey as they were supposed to obey the Prophet. The safeguard ostensibly is the persistence and consistence of the qualities for

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[53] Ibid, p.54.
[54] Ibid, p.55.
[55] Ibid, p.34.
[56] Ibid, p.70.
[57] Ibid, p.18.
[58] ibid, p.49.
[59] Ruhollah Khomeini, *Al-makaseb al-Muharami* , vol. 2, Qum, Bita Publishing, 1381 (H.Q), p.106.

which the jurisprudent ruler has been known.[60] Once he loses these essential qualities and characteristics, he has lost his post too. In addition, the political participation of the public materialises through "acceptance of authority" (*biy'at*) in particular during the occultation period.

In contrast, Ayatollah Khomeini took a different lead towards the people's role in choosing their preferable political regime and also jurisprudent rule during his last decade of living. In an interview with the Financial Times he recognised the "primary right of each nation to determine its destiny and the structure of government."[61] In the interview, he also subjected the structure of the Islamic Republic as based on the Islamic precepts and tenets, mainly Shi'ism. His interpretation was to uphold the idea of having popular vote and support of the people who are devout to their religion for the new Islamic state. Interestingly, he defines the nature and structure of the Islamic Republic as a result of adhering to Islam alongside referring to people's vote and consent, in order to implement Islamic Shari'a law.[62] The issue of people's right appeared to be indispensable and in one of his speeches he explicitly declared: "We follow the people's vote, whatever people decide, we will do accordingly, and we do not have right. God Almighty and the Prophet have not given any right to us for imposing our opinion on Muslims."[63]

Mohsen Kadivar assesses Ayatollah Khomeini's commentary and commendatory elaborations on the issue of the appointment of *wali faqih* and argues that Ayatollah Khomeini always used terms such as "electing", "appointing" and "ratifying" either directly or indirectly by the people for this position, this puts him at odds with the clerics who believe *wali faqih* is appointed by God and only needs to be discovered by others (*kashf*).[64] Such disagreement was even reflected between Ayatollah Khomeini's students, for instance, Ayatollah Mutahhari and Ayatollah Javadi Amoli. The former

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[60] For example, justice
[61] Quoted in *Sahifiyyih Nur* (the pages of light), ibid, vol.5, p.31.
[62] *Mahname Ketab*, [book monthly], published by Cultural Ministry, Tehran, Farvardin 1380 [March 2001], p.11.
[63] Ibid.
[64] Mohsen Kadivar, *Nazariyyih Dawlat dar Fiqh Shi'a* (theories of government in Shi'a jurisprudence), Tehran, Ney Publishing, 1377 [1998], First Chapter.

explicitly advocates the mechanism to elect *wali faqih* by the people and argues that the Islamic Republic is a regime whose structure and rulers must be elected by the public.[65] In sharp contrast, Ayatollah Amoli maintains that *wali faqih* is appointed directly from the divine source (*Share'*) and the people have no role in this process.[66] Now we turn to the institutional dimensions derived by implementation of abovementioned Islamic doctrine.

3.2.3. THE INSTALLATION OF ISLAMIC DOCTRINE INTO THE NEW CONSTITUTION

Despite the involvement of multiple economic, social, cultural and political motives and inspirations which provided the driving force for the revolution as a pervasive social movement, the constitution evolved to carry a profound Islamic character. This swiftly predominated and bluntly eliminated the other aspects of Iranian social movements which in fact had had a substantial role in the revolution. Legally speaking, this monopolisation began from the drafting of the fundamental clauses in the document which precisely defined the new state as an Islamic state. "The Islamic nature of the great Islamic Revolution" expressed the will "of the Muslim people" to establish the Constitution "on the basis of Islamic principles and guidelines".[67] The new Constitution even stipulates that "the distinctive peculiarity of this revolution" lay in its "ideological and Islamic character". Indeed, it was this Islamic characteristic that guaranteed its victory in contrast to previous revolutions in Iran which, despite the ulama's participation in the leadership, had finally failed because they departed from a "noble Islamic position".[68] Hence, the founders of the Islamic Republic deliberately installed these Islamic measures to guarantee preserving its entity both theoretically and practically.

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[65] Murtaza Mutahhari, *Piramun-i Inqalab-i Islami* [about the Islamic revolution], Tehran, Sadra Publishing, 1367 [1988], p. 85-86.
[66] Abdullah Javadi Amoli, *Piramun-i Wahy va Rahbari* [about revelation and leadership], Tehran, Raja Publishing, 1368 [1989]. P. 160.
[67] Quoted from the Preamble in *Qanun-i Asasi-i Jumhuriyyih Islami Iran* [The Constitution of the Islamic Republic of Iran], Tehran, Ofoq Publishing, 1367 [1989].
[68] Ibid, *Qanun-i Asasi*.

According to the Constitution of the Islamic Republic, the new structure of state is based on principles which are defined by Islam and explicitly presented in Article 2 of the Constitution. The wording is significant, as it resembles a sacred theological document more closely than a constitution governing a state:

1. There is only one God … who by right is ruler and lawgiver, and man must submit to his command.
2. Divine revelation has a fundamental role to play in the promulgation of laws.
3. Afterlife and resurrection play an essential role in the process of man's development vis-à-vis God.
4. God's justice is inherent in His creation and His laws.
5. The Imamate will provide the leadership and will play a fundamental role in the progress of the Islamic Revolution.
6. Man is endowed with nobility and elevated dignity. His freedom entails responsibility before God.

In effect, the Constitution envisaged these principles guaranteeing that, by means of "dynamic jurisprudence" (*ijtihad-i puya*) exercised by qualified jurists on the basis of the Koran and the *Sunna* (tradition), along with the employment of other necessary requirements, the Iranian nation would achieve political, economic, social and cultural independence as well as justice.[69] The Constitution explicitly assigns certain Islamic tasks to all the organs of state and the state authority. Even the armed forces were given an additional task above being merely responsible for the defence of the territorial integrity and that is to bear "the burden of the ideological mission, i.e. the Holy War (Jihad) to spread the rule of God's law throughout the world".[70]

To this purpose, a new army under the name of the Revolutionary Guards was established and constituted within the Constitution (Art.143). Furthermore, the

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[69] *Ijtihad* is the exercise of independent effort by Islamic jurists in order to formulate new decisions in questions of law and faith on the basis of the sources of Islamic law, i.e. the Koran, the sunna (tradition), consensus and analogy or reason. Definition by Asghar Schirazi in, *The Constitution of Iran*, p.20.

[70] The Preamble of the Constitution and Article 143.

mass media too "must perform the service of disseminating Islamic culture and values as part of the process of development of the Islamic Revolution".[71] The judiciary is also designed to "implement the Shari'a law and defend the rights of the people within the Islamic context". Finally, "the executive power must pave the way for the creation of an Islamic society" and has "a special significance in the task of putting into effect Islamic regulations and prescriptions".[72] To implement these ideals, the writers of the Constitution embodied a large portion of religious authority into the text which we will study in the next section.

3.2.4 THE SUPREMACY OF SHARI'A OVER LEGISLATION IN THE CONSTITUTION

The Constitution of the Islamic Republic binds the legislative power to the Shari'a as defined by Shi'a Islam. The Shari'a either forms the foundation on which legislation is based on, or defines the boundaries beyond which it may not proceed. Any resolution passed by the parliament (Majlis) must not contradict the Shari'a, otherwise it will not become law, whatever absolute majority had voted for it. The stipulations of Islamic law are designated in the text of the Constitution by the following terms: ordinances (*ahkam)*, regulations (*muqarrarat*), laws (*qavanin*), principles (*usul* or *mabani*), criteria (*ma'yar*), foundations (*asas*), guidelines (*zavabit*) and standards (*mavazin*). [73]All these terms represent the importance and necessity of one obligation under which all affairs of the state must be conducted.

Article 2 confines all legislations to the Shari'a by representing legislation as a power reserved for God and acknowledging that revelation has a fundamental role in the expansion of laws. Also, Article 170 makes it incumbent on judges to refuse to implement government resolutions and decrees when these "contravene Islamic laws and regulations". The issue here is though Shi'a school of thought is renowned for its flexibility and exercising of independent judgement (*ijtihad*), such absolute and arbitrary authority is given through the Constitution to the

[71] The Preamble of the Constitution.
[72] Ibid.
[73] Schirazi, *The Constitution of Iran*, p. 14.

clerics who are employed by the Judiciary. Vouchsafing such authority to part of establishment to undermine the other part is paradoxical and deteriorating.

To find out how explicit Islamic ordinances have been employed in the Constitution, we can refer to the following articles:

1. Article 56 conceptualises the term sovereignty and stipulates that the sovereignty of the people and the powers originally belongs to the God, as absolute dominion is an exclusive prerogative of God and therefore the sovereignty of the people is subject to restriction by the authorities who are considered to represent the dominion of God (the jurists).
2. Articles 91-98 describe the function of the authority (Guardian Council) entrusted with the task of examining the resolutions passed by the parliament, establishing whether or not the resolutions are contrary to Islamic principles and the constitution itself, and then declaring them invalid if such is the case.
3. Article 5 as well as Articles 107-111, describes the office and the functions of the "leader" who as ruling authority, is concerned with maintaining the dominion of God, the Prophet and the Imams, and responsible for "the management and leadership of the community".
4. Articles 156-174 address the framework of the judiciary, and discuss the limits and provisions placed upon the judiciary's organisation and functions by the regulations of the Shari'a. Article 61 demands the judiciary to set up law courts to which the Islamic laws apply, even if that has not been ratified as law by the parliament.
5. Article 11 binds foreign policy to the principle that "all Muslims belong to a single community" and thus enjoins the government to strive for the unification of the Muslim Peoples. (Inspired from a Koranic verse 21/92).
6. Articles 10 and 21 set limits on future laws, regulations and planning pertaining to the family and social issues including women's rights within the Islamic law.
7. Article 43 prohibits usury, hoarding and "forbidden business activities", and Article 42 ensures that all assets acquired through unlawful (against Shari'a) means will be returned to the state.

3.2.5. ASSURING THE RULE OF THE ISLAMIC JURISPRUDENTS IN THE CONSTITUTION

The constitution explicitly defines the Islamic Republic as a state ruled by the Islamic jurisprudents (*fuqaha*). The Constitution states that only those jurisprudents are entitled to rule who are "upright, pious, and committed experts on Islam" and are recognized as such, and who "are informed of the demands of the times" and are distinguished as "God-fearing", "brave" and "qualified for leadership [of the state]".[74] They also must hold the religious rank of "source of imitation" and be qualified to deliver independent judgments on general principles (*fatwas*).[75] Article 5 stipulates that an individual jurisprudent endowed with all necessary qualities has the right to rule and exercise leadership in the Islamic Republic as long as "The Lord of time, the Twelfth Imam of the Shi'a, remains in occultation". Article 57 and 110 respectively define his general and specific powers and authorities. Article 57 states that he is to have supervisory authority over the three branches of the government, while Article 110 defines this supervisory authority in concrete terms.

1. He appoints the jurists to the Guardian Council.
2. He appoints the highest judicial authority in the country.
3. He holds supreme command over the armed forces by exercising the following functions: a) He appoints and dismisses the chief of the general staff; b) He appoints and dismisses the commander-in-chief of the Islamic Revolutionary Guards Corps (*Sepah Pasdaran*); c) He is in charge of setting up the supreme Defence Council which consists of the president, the minister of the defence, the chief of the general staff, the commander-in-chief of the Islamic Revolutionary Guards and two advisers appointed by the leader; d) He appoints the commander-in-chief of three branches of the armed forces; e) He declares war and peace, and calls for a general mobilisation of the armed forces.
4. He signs the certificate of appointment of the president after the latter's election by the people.

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[74] Various parts of the Constitution.
[75] Schirazi, *The Constitution of Iran*, p.12.

5. He appoints the head of the national broadcasting company with its exclusive authority to broadcast in the country.
6. He has the power to dismiss the president if the Supreme Court declares that the president has violated his legal duties or parliament issues that he is politically incompetent.
7. Finally, on the recommendation of the Supreme Court, he grants amnesty or a reduction of sentence in accordance with Islamic principles.[76]

Obviously such a full-fledged power and authority not only far exceed a routine supervisory role, but demonstrate the Supreme Leader's comprehensive instrumental power. The rationale behind this accumulation of power in the hands of one person lies in the concept of *Wilayat al-faqih* as interpreted and introduced by Ayatollah Khomeini, a multifunctional post with vested authority and discretion held for a jurisprudent who is discovered[77] and appointed by elected jurisprudents.[78]

The mechanism to select such a figurative person as the Supreme Leader is maintained under the control of other fellow clergy. The Council of Leadership Experts which is similarly reserved for (exclusive membership of jurisprudents) determines who will be the leader. It also has the authority to dismiss the leader should he be no longer capable of fulfilling his duties or no longer possesses the necessary qualifications to exercise the office of leadership.[79] Moreover, the Constitution reserves not only the office of the leader for jurisprudents but also many other key government positions. For example, the head of the judiciary, the Attorney General, the Minister of Intelligence, the six clerical members of the 12 member seats of the Guardian Council and, not surprisingly, all the members of the Leadership Expert Council must be elected from the clergy guild. Nevertheless, the Constitution bears a substantial portion of conventional

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[76] Article 110 of the Constitution.
[77] Intentionally used by several high ranking ulama such as Ayatollah Javadi Amoli to describe that the selection of the Islamic leader is not a manly and worldly matter like other selections by any human assemblies. The only task upon the Expert Council is to find out who possesses the required qualifications.
[78] There is serious concern over election vetting process of the Experts Council, as they are being vetted by the Guardian Council whose clergy members are indirectly appointed by the Supreme leader.
[79] Article 111 of the Constitution.

principles that are compatible with modern values and underpin a democratic framework. We will examine such elements in the following section.

3. 3. DEMOCRATIC ELEMENTS OF THE ISLAMIC REPUBLIC'S CONSTITUTION

It has been the way of most semi-democratic states to set up various measures and mechanisms of democratic procedures upon which they could proclaim that such a system is in harmony with the will of the people. Likewise, the authors of the Iranian Constitution made an effort to demonstrate that the established regime would also be running in accordance to the will of the people. However, the preamble of the Constitution puts forward the thesis "that the state from the point of view of Islam … is the crystallisation of a *political ideal* of a people who are united in religion and their way of thinking". It also describes that "the Islamic principles and guidelines" reflect "the deepest wish of the Islamic community", since this wish was clearly revealed by the people's active participation in the Revolution.

Not surprisingly, the people are not defined according to the democratic norms of a liberal pluralism but rather as a homogenous community of like-minded individuals. In other words, the rights of the people, the majority of whom are Muslim, were granted only to establish the new Islamic Republic and the people are absolutely forbidden from making amendments under any circumstances. Such predetermined will of the people can also be seen in sharp contradiction with the concept of *wilayat al-faqih* if we have assumed and understood this theory based on the origin of its authority merely from the religious perspective. As mentioned before, this interpretation is advocated by some influential clergies within the Islamic Republic who do not consider the legitimacy of *wilayat faqih* as emanating from the people's vote.[80]

This contradiction is highlighted in section 5 of the Constitution which bears the title "The Sovereignty of the People and the Powers Thereby Conferred". There,

[80] I.e. the early works of Ayatollah Khomeini, Ayatollah Javadi Amoli and Ayatollah Mesbah Yazdi

in Article 56, it states that God alone has "the absolute right to rule over the world and all mankind ", and that He delegates that right to the "men at large". Accordingly, this "God-given right" is to be "exercised by the people". Furthermore, Article 8 explicitly recognises the sovereignty of the people stating that "in the Islamic Republic of Iran the administration of the country's affairs will be regulated by the will of the people". That will, of course, is expressed through elections for the president and members of parliament, as well as for the members of the local councils.[81]

According to Article 7, in addition to the presidency and the parliament, provincial councils, council in district towns, and councils in cities and villages are all part of the decision-making and administrative bodies of the country. Also, according to Article 59, "in questions of grave import regarding economic, political, social and cultural matters" legislative power may be exercised consultation with the people. The Leader, however, is not elected directly by the people, but is elected by the Assembly of Leadership Experts. The Leader is considered as the highest political authority and must be one of the Grand jurisprudents who holds the position of source of imitation (*marja'-i taqlid*). [82] According to Article 108, the Assembly of Leadership Experts is composed of only the jurisprudents who will be elected by the people. However, this limited franchise of candidacy is again bound to the discretion of the Guardian Council.

This assembly will also have the right and duty to monitor the Leader's performance in office and to dismiss him should he lose his ability or fairness. It should be mentioned here that, having installed such monitoring provisions to demonstrate that the office of the Supreme Leader is accountable, this appears to be very difficult to achieve. All the jurisprudent candidates who wish to run for the membership of the Assembly Expert (which choose the Leader) have to pass the vetting process by the Guardian Council, while the six jurisprudents of the Guardian Council decide on who can run for the election and who cannot. Thus,

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[81] Schirazi, *The Constitution of Iran*, p.34.

[82] The necessity of being a Master of Jurisprudence (*marj'-i taqlid*) was removed in amendments of the constitution in 1989. The required level was brought down to be only a *mujtahid* (jurisprudent).

the end result would be an assembly whose members owe their membership to the body which is appointed by the Leader himself (a vicious circle).

3.3.1 THE POWERS OF ELECTED INSTITUTIONS

A considerable portion of the Islamic Republic's Constitution is devoted to describing the role of democratic (elected) bodies, such as the elected parliament and city councils, elected president and, supposedly, a separate and independent judiciary. However, many contradictions remain right across the board. On the one hand, the parliament is supposed to possess a decisive power to legislate and supervise. On the other hand, the power of parliament is seriously reduced in the Constitution by the right of veto exercised by the Guardian Council. According to the Constitution, the right is legally granted for the Guardian Council to reject any resolution passed by the parliament if thought to be against the Shari'a. Nevertheless, the parliament has other rights to scrutinise the government. The most significant are specified in Articles 87-89 concerning the appointment of the cabinet ministers. The President should introduce his ministerial nominees to the parliament, in order to obtain the vote of confidence. Also, the parliament can pose direct questions to the ministers and, if dissatisfied with their work, can vote them out of office.[83]

Further powers of the parliament (Majlis) are established by Articles 76-83, by which the Assembly is given the right "to undertake investigations and inquiries into all matters regarding the country". In addition, all "accords, contracts, treaties and international agreements" require parliament's approval. Decisions concerning any alteration of the national borders, as well as declaration of a state of emergency can only be implemented by the parliament. Aware of the economic concessions to foreigners in the past, the new constitution reserves the absolute right for the parliament to make decisions on any foreign loan, credit or financial aid including the employing of foreign experts.

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[83] Articles 88-89 of the Constitution.

The powers of the President are stipulated in Articles 57, 60113 and 124-129. The President is recognised as the second highest official in the state after the Supreme Leader. He is the link between the three separate branches of government and the head of the executive branch, the cabinet. He also holds the powers which have not been reserved for the leader. He is responsible for implementing the constitution and he fulfils certain duties that have to do with the official representation of the country. However, after the amendment of the constitution in 1989, the position of linking the three branches has been taken from the presidential office and given to the Leader. Indeed, this reduction in presidential prerogatives has affected the authority of the president for implementing the Constitution and heading the government accordingly.

The authority of local councils is rather limited despite general amplification in Article 7. But Article 100 loosely defines the right of supervision upon the administration of their respective parts of the country. There, the Supreme Provincial Council is to "draft bills as part of its regular task and present them before parliament, either directly or through government". Although the elections for the city councils were held twenty years after the establishment of the Islamic Republic, until now the Provincial Supreme Councils have not been instituted. Governors of the provinces, cities and districts are to be appointed by the government, but according to Article 103 they must take into account the resolutions passed by the respective councils in the exercise of their powers.

3.3.2 THE PARTIAL RECOGNITION OF FUNDAMENTAL RIGHTS

The existence of some democratic or even secular elements in the constitution of the Islamic Republic is not only confined to the governmental bodies, but also includes a variety of fundamental rights reserved for the people. However, in order to explore further contradictions between the democratic and the Islamic legalistic components of the constitution it is useful to examine how the democratic components of the constitution were dealt with in the same document. Nearly three decades after the establishment of the Islamic Republic we may criticise it by arguing that the government's practice on the issue of

public rights is utterly below the standard norms (violating democracy). On the other hand, we are faced with a large portion of Muslim citizens who not only believe but demand implementation of the Islamic law.[84] Therefore, implementing Islamic law where the majority of populace is comfortable with it and has voted for it seems rather democratic and acceptable (procedural level). However, here rises a very important problem which is how to differentiate between fundamentals of human rights and the laws regulating both moral and socio-political issues, in particular, in conjunction with modern social, economic and economic phenomena.

The Constitution of the Islamic Republic stipulates that it is the Islamic legalist component of the regime upon which all functions relating to the people and the government must be in accordance.[85] Given the strong Islamic sentiment of the society it may not be justified to blame only the regime for being rhetorically in favour of people's rights and at the same time repressing them by the same law. In fact, people's fundamental rights acknowledged in the Constitution are permitted only if they do not contradict Islam. In other words, people's rights are fully recognised in the line of the Islamic principles not individualism.

From the outset of the Revolution, in fact, a conflict of interest occurred among two major forces involved in the process. It was an ideological division that separated revolutionary forces between two camps of the pro-Islamists and pro-democrats or seculars. The pro-democrat groups focused on the democratic elements of the new establishment such as freedom, political participation and democratic procedures. The pro-Islamists were not totally against these aspirations, but were absolutely firm in interpreting the goals and means of the Revolution through an Islamic prospective.

The fact that the Constitution mentions the "Fundamental Rights" may be seen as a concession to those forces that had aspired to such rights and participated in the revolution for the sake of obtaining them. The Constitution devotes 23

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[84] In fact, since the moral structure of the society is still based on religious beliefs, people trust in such laws and live with them in harmony. Therefore, reinforcing such laws cannot be seen as un-democratic.
[85] Schirazi, *The Constitution of Iran*, p.54.

articles to prescribing the fundamental rights in a special section entitled "The Rights of the People".[86] These rights include "the equality of all Iranians, no matter what ethnic group or tribe they belong to, the prohibition of prosecuting individuals for their opinions, the freedom of the press, the freedom to form political parties and societies, the respect for privacy, freedom in choosing a profession, freedom of assembly, legal protection and the prohibition of torture". But, in practice and even by rhetoric these rights are being violated. In short, the disagreement is based on whether these rights are given to people according to their natural rights, or are given as described by religious context and can be easily withdrawn as soon as their application is seen to be turning against religion.[87]

3.4. THE CONCEPT OF PARLIAMENT IN THE ISLAMIC REPUBLIC

The first attempt to draft a constitution began in Paris while Khomeini was still in exile but enthusiastically preparing himself to return to Iran.[88] Hassan Habibi, who served 12 years as Vice President during the whole Rafsanjani's period and the first term of Khatami, was charged with writing a draft. After the revolution a six member committee consisting of Habibi and five other civil jurists reworked the first proposal and submitted it again to Ayatollah Khomeini.[89] Further revisions were made by a commission chaired by Yadollah Sahabi, an advisory minister to the interim Government of Mahdi Bazargan.[90] Surprisingly, this document neither contains any reference to *wilayat al-faqih*, nor reserves any special posts for the Islamic jurists except on the Guardian Council. Even on this body the Islamic jurists are in a minority (five of them sitting with six civil jurists).[91]

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[86] Articles19-42 of the Constitution.
[87] Schirazi, *The Constitution of Iran*, p. 43.
[88] Schirazi, *The Constitution*, p.27.
[89] *Kayhan,* Tehran, 1 February 1979.
[90] Mahdi Bazargan, the founder of Iran's Freedom Movement, a political group close to Iran's National Front.
[91] Shaul Bakhash, *The Reign of Ayatollahs, Iran and the Islamic Revolution*, London, I.B. Tauris, p. 74.

According to the preliminary document, the Islamic jurists were chosen by parliament from an unspecified number of jurists proposed by the highest religious authorities, the Sources of Imitation. The civil members of the council (three judges, three lawyers) were also to be elected by parliament. The Guardian Council did not automatically judge whether laws passed by the Majlis would be in conformity with the Shari'a, as it stands in the final text of the Constitution, but would only do so if requested. Such a request could be made by the Sources of Imitation, the President, the head of the Supreme Court and the chief public prosecutor. The key point here is that the Guardian Council had the privilege of assessing the legislation with its all members: both the lawyers and jurisprudents.

According to the preliminary document, the resolutions of the Guardian Council were to be valid only if passed by a two-thirds majority regardless of the clergy's vote or the lawyer's vote and not, as in the final version of the Constitution, divided into two cases, against the Constitution and against the Shari'a. In matters relating to the Constitution all twelve members had to vote, but in matters relating to any possible contradiction with Shari'a, it is only for the jurists to decide.[92] This provision was not included in the preliminary draft but adapted in part in the final version of the constitution. In other words, despite all other constitutional states in which the constitution per se has the utmost authority, in the Islamic Republic the constitution itself is bound to an ever higher authority which is the Shari'a law. The problem arises where this higher authority is not clear cut and, of course, is subject to the interpretation of some jurists who filled the positions provided by the constitution.

The major contrast between the preliminary draft and the final text concerns the concept of *wilayat al-faqih* and its political significance. The preliminary draft did not envisage the office of the Supreme Leader, and the role of jurisprudents was confined to the Guardian Council which was to have 11 members, no more than five of whom would be *Mujtahids*. The highest government office was to be the President who was not required to be "a man with religious and political

[92] Ibid, p.83.

authority". His sole religious qualifications were that he should belong to *Twelver Imami school* of Shi'ism. Both Habibi's draft and the late official preliminary draft, however, were revised in constant consultations with high-ranking Islamic jurisprudents including "the Sources of Imitation". As a result, the powerful office of the Supreme Leader and several important posts mainly in the judiciary were specified only for the jurisprudents. This preliminary draft was approved unanimously by the Revolutionary Council appointed by the Ayatollah Khomeini and was published on 14 June 1979.[93]

3.4.1 INSTALLATION OF WILAYAT AL-FAQIH THROUGH THE LEGISLATURE

Since the formation of the Islamic Republic, the idea of an Islamic state moved towards what had been the real goal all along, namely pushing through the concept of *wilayat al-faqih* into reality. This meant for the advocates of this theory a unique opportunity in which the idea of rule by the jurisprudent could be added to the draft constitution. Thus, the preliminary draft was undermined and a new text was submitted. Also, the ease of referring to a referendum for approval of the constitution encouraged further action by the Islamic fundamentalists who previously could hardly imagine that their goal might be realised in such a short period. Subsequently they were increasingly convinced that further steps to install this theory into the constitution were possible.[94]

In fact, the Constituent Assembly had been promised to be set up, comprised of hundreds of delegates to draw up the final version of the Constitution. This came with the decree of 4 February 1979, in which Ayatollah Khomeini appointed Bazargan Prime Minister of the provisional government, and charged him with the task of preparing immediately for the election of this Constituent Assembly. During the following months, Ayatollah Khomeini constantly repeated his promise to call upon the assembly. However, division occurred in the revolutionary camp on the issue of whether the final version of the constitution

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[93] *Kayhan*, 14 June 1979.
[94] Quoted from Bani Sadr, in an interview with Asghar Schirazi, *The Constitution of Iran*.

should be prepared by the Constituent Assembly whose members were to be elected directly by the people, or if the official draft approved by the Revolutionary Council had to be submitted for public vote.[95]

Those who supported "direct consultation" with the people put forward various plausible arguments in favour of their position, including the need to increase the pace of normalisation of the political situation, fear that anti-revolutionary forces would exploit current instability to launch counter-revolutionary acts and, most importantly, the urgent need to pass reform measures that would have the force of the law. They rightly argued that all these needs would be ignored for a considerable period of time if the endorsement of the preliminary draft were left to a Constituent Assembly.

With the abandoning the idea of a Constituent Assembly, it was now more possible to propagate the concept of *wilayat al-faqih* in the public domain than ever. This new phase began with a violent attack against those who criticised the monopolistic intentions of the clergy. On the other hand, the preliminary draft of the constitution was subjected to a variety of criticisms formulated by Islamist hardliners. Surprisingly, from this stage Ayatollah Khomeini shifted his support from a moderate "Democratic Islamic Republic" into an "Islamic Republic". The row was over the term of "democratic" which could not be accepted by the religious establishment mainly based in Qum. As a result, the advocacy of a "Democratic Islamic Republic" was denounced as a "betrayal" whose purpose was the annihilation of Islam.[96]

This was despite the fact that the Prime Minister belonged to a pro-democracy group and that he was the first prime minister of a government which Ayatollah Khomeini himself had declared to be in conformity with the Shari'a. A few days later Ayatollah Khomeini branded those who wished to limit the ulama from political activity (power) as communist supporters.[97] He thus declared that he disapproved of summoning a Constituent Assembly because "we wish to create

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[95] Bakhash, *The Reign of the Ayatollahs*, p.79-83.
[96] *Kayhan,* 18 June 1979.
[97] Ibid.

an Islamic constitution" for which no "Westernised jurisprudents" were needed but only "noble members of the clergy" and other scholars of Islam who were not clerics.[98]

However, Ayatollah Khomeini behaved with caution on the critical issue of *wilayat al-faqih* and left the direct and more open promulgation of this concept to his other followers. On 20 June 1979 Ayatollah Khomeini received a group of clergy from Khorasan province to express their views in a public meeting on the preliminary draft of the Constitution. On 23 June Ayatollah Hussein Ali Montazeri[99] publicly criticised the preliminary draft and demanded that the president of the Islamic Republic should preferably be a "*Shi'a mujtahid*".[100] On 11 July, he announced that he was in favour of a "pure Islamic constitution" which should be far removed from every Western principle.[101]

Meanwhile, on 27 June the *Kayhan* newspaper published a letter to Ayatollah Khomeini from a member of the clergy enclosing some propositions.[102] The clergyman presented several proposals for amending the preliminary draft conceived on the basis of an absolute interpretation of Islamic legalism. He demanded, for instance, that the title "Republic" should not have any influence on the character of an Islamic state. The right to rule should be accorded to "the upright Islamic jurists" who, as the first people in the state, would exercise the function of president and in whose hands all three branches of the government should be united. Another outbreak was an article published by Khusru Alavizadeh in which he expressed the view that "all the laws passed by the Majlis should require the approval of the Guardian Council in order to become valid laws".[103] Also, *Hujjat al-Islam* Ali Khamenei who, later on became Ayatollah Khomeini's successor, put forward the view that "the principle of *wilayat al-faqih*" must be included in the Iranian Constitution.[104]

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[98] Ibid.

[99] Ayatollah Hussein Ali Montazeri served nine years as Ayatollah Khomeini's successor. About a year before Khomeini's death he was removed from this position.

[100] *Kayhan*, 23 June 1979.

[101] Ibid, 11 July 1979.

[102] Ayatollah Muhammad Hussein Husseini Tehrani.

[103] *Kayhan*, Tehran, 27 June 1979.

[104] Ibid.

Therefore, as explained above, Ayatollah Khomeini and his like-minded allies decided upon a U-turn in their visible policies in spite of their previous publicly announced opinions. It should be added that such a drastic change of policy receives a great deal of attention and mostly from political scholars or educated people whereas, for the majority of ordinary people who wholeheartedly supported the cause of revolution, adding or erasing the term of *wilayat al-faqih* was not as significant as for the secular politicians. Moreover, the core body of Iranian society considered themselves true Muslims whose mainstream intended to replace the Pahlavi regime—which in cultural issues was known as liberal—with an opposite system. Thus, implementing some sort of Islamic measures to control the government had even more support within the masses.

Finally, after a massive propaganda campaign which followed in support of inserting the position of *wilayat al-faqih* in to the Constitution, the Islamic legalists achieved their goal in the election of an assembly which was called the Assembly of Experts instead of the Constituent Assembly. They limited the electorate to comprise only "experts" as a substitute for a much wider group of candidates from all classes and guilds of society.[105] This election finally took place on 3 August 1979 with the desired results. It is widely said by the opposition that the Islamic legalists, wherever they could or felt it was necessary, manipulated the election process.[106] Also the opposition press reported on this with enormous claims that the election was absolutely flawed. Apparently their claims were based on the information published in pro-Islamists' newspapers. For instance, in several provinces the votes counted and accepted as valid exceeded the number people eligible to vote. Obviously, the election results were a full scale victory for the Islamic legalists under the spiritual and political leadership of Khomeini with 55 clerics out of 72 elected delegates.

The actual ground for inclusion of *wilayat al-faqih* in the constitution is Article 2, which underpins the core doctrine to form the basis of the Islamic Republic. Accordingly, as it describes the primary sources of knowledge and legitimacy

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[105] Schirazi, *The Constitution of Iran*, p. 29.
[106] Ibid, p. 31.

for ruling as the *Koran* and the *sunna*, the jurists who can understand it are required to take responsibility. Likewise, when it comes to establishing regulations for new situations, there is a need for continual jurisdiction (*ijtihad*) which is a matter for appropriate experts; these are the clerics.[107] The adoption of *wilayat al-faqih* found its most apparent formulation in Article 5.

In a plenary session, Beheshti justified his proposal with the same arguments that he had put forward during the discussion of Article 2 adding: "in the present system the leadership and legislation cannot merely based on the majority." This would contradict the ideological character of the Islamic Republic". He thus rejected democracy as un-Islamic on the grounds that the people could fall into error. In his view a state that had to take account of the voice of the people would have to submit to laws that were influenced by such errors.[108] Articles 107-109 of the constitution are a further elaboration of Article 5. They concern leader or the Leadership Council, the formation of the council in charge of electing the leader, as well as the personal qualities which the leader or members of the Leadership Council should posses.

3.4.2 THE ISLAMIC CONSULTATIVE ASSEMBLY

Articles 6 and 7 of the Constitution of the Islamic Republic of Iran contain the concept of people ruling themselves through elected governmental bodies including the Consultative Assembly. It is necessary to mention that while in the original text of the Constitution the name given to the legislative organ is "Consultative Assembly", application of the title of parliament here and elsewhere could be conceived as a mere simplification. In other words, giving the name of "parliament" to this institution naturally creates a series of expectations which other similar counterparts in the world are supposed to possess and therefore are compared to the Iranian version which is lacking.

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[107] See *Mashruh-i Muzakarat-i Majlis-i Khubragan*, [The Deliberations of the Assembly of Experts], Tehran, Majlis Publishing, vol. I, 1369 [1980], p. 261.
[108] Ibid. p.379

Article 6 states that in the Islamic Republic of Iran affairs of state shall be managed by relying on public opinion, through elections such as the election of the president, representatives of the Majlis, members of councils and the like, or through a referendum in cases set forth in other articles of this law. Also, Article 7 states according to the instruction of the Koran " whose affairs go by council amongst themselves..." and "...take council with them in the affairs", councils such as Majlis, provincial council, city, local, district, village and the like shall be the decision-making and administrative organs of the state. The instances, manner of establishment and the scope of functions and authorities of the said councils shall be set forth by this law and the laws arising from there. Consequently, on 4 March 1980 the first elections of the Islamic Consultative Assembly were held. The Majlis was, as it is today, supposed to compose of "representatives of the people" from across the country, elected through direct and secret ballots.

In general, legislative power is supposed to be a reflection of the people's will. This is an obvious and indispensable feature of any republican regime. In this light, the Islamic Republic of Iran is not an exception in recognising the existence of a capable parliament, although under title of *Majlis-i Shura* (Arabic name for a consultative assembly). Thus, on the basis of Article 76 of the Iranian Constitution, the Majlis has the right to investigate and examine all the affairs of the country. Vested with such an authority, each deputy is responsible before the people, as defined in Article 84. Since freedom is a prerequisite to such a responsibility, each deputy is "by law" (in theory) free to express his / her views and enjoys immunity from prosecution or arrest.

Article 71 of the Constitution provides the Majlis with the power to enact laws on all matters, within the limits of its competence as laid down by the Constitution. It should pave the ground for development in a society based on precise Islamic principles and replace regulations hampering the progress of society with Islamic laws and orders. Articles 77 and 82 of the Constitution state that international treaties, protocols, contracts and agreements must be approved by the Majlis and that the employment of foreign experts is forbidden, except in cases of necessity and with the approval of the Majlis. In other words, based on

the Constitution of the Islamic Republic of Iran, the Majlis is the main institution conducting the Islamic *Umma* (Musilm Community) towards independence, growth and freedom. The Majlis is entitled to obstruct "infiltration of imperialism" by approving or disapproving all political, economic and cultural relations with foreign countries. The Majlis has also the right to pronounce a vote of confidence on an individual minister.

3.4.2.1 THE DUTIES AND RESPONSIBILITIES OF THE MAJLIS

Administratively, the deputies of the Majlis have two major duties to carry out. One is to attend the open sessions of the Majlis to express their views, make a final survey of the bills and motions, and ultimately pass or reject them. The second is to participate in the internal committees of the Majlis. Also, each member of the Majlis who is elected is delegating the whole nation not only his or her own constituency.

According to the Constitution the responsibilities of Majlis Deputies can be outlined as follow:

1. Vote of Confidence in ministers;
2. Supervision over government performance;
3. Interpellation or dismissal of ministers or the President;
4. Approval of the annual budget and supervision over its spending;
5. Endorsement and approval of treaties, protocols, contracts and international agreements;
6. Permission to employ foreign experts;
7. Permission to take or give loans to foreign and domestic aid grants;
8. Enactment of executive laws;
9. Right to express views and investigate all domestic and foreign-related affairs of the country;
10. To act as the highest authority to examine people's complaints;
11. To determine the procedure of prosecutions and the structure of the country's judicial system;

12. Ratification of judicial laws;
13. To specify the qualifications and conditions requisite of someone selected to occupy the position of a judge;

To conduct the Majlis-related affairs the Majlis deputies elect a speaker, two vice-speakers, six secretaries and three administrative managers from among candidate deputies for a period of one year. This governing council is called the Presiding Board of the Majlis. The speaker of the Majlis is the chief of the Presiding Board and of all Majlis offices. He is the chief representative of the Majlis in all contacts and meetings with other foreign and domestic delegations and is responsible for the execution of the Constitution and the Majlis Rules of Procedure. There are also two Vice-Speakers who act in the absence of the Majlis Speaker, the first Vice-Speaker and in his absence the second Vice-Speaker will administer the session. In addition, three Administrative Managers assist the Presiding Board in carrying out its duties and are considered very important as they are the contact point between the Presiding Board and the deputies as well as the government.

3.5. NON-DEMOCRATIC (APPOINTED) ELEMENTS OF THE ISLAMIC REPUBLIC

Having explained the structure and functions of the Iranian parliament, in this section of the chapter we will enlist the non-democratic (un-elected) institutions of the Islamic Republic which in effect hold major power and authority over the system and its hierarchy. As said earlier, the contradictions embedded in the constitution resulted in producing parallel institutions which simply counter-balance each other. As a matter of fact, it does not only apply to legislative procedures, but the executive and judiciary branches also suffer from it. For example, the office of Supreme Leader holds the same power and responsibility which a president would possess in a well established republic. Or again, the judiciary branch is designed to meet all Islamic principles and therefore its structure and administration has been changed with this aim, yet it cannot

exercise its authority over clerics. Instead, a special department under the Supreme Leader's office has been set up dealing with crimes related to clerics.

These institutions can be listed as the Office of Supreme Leader; the Expediency Council; the Supreme Council for Cultural Revolution; the Council of Guardians; the Council of Experts; and the Supreme Council of National Security. The Expert Council is listed here because the procedure by which it is elected is not democratic.[109] Also we have included the Supreme Council for National Security, because according to its approved mandate, its authorities are not bound to mere national security issues like similar institutions in other political systems, but rather a military assembly which is entitled to legislate whatever it might see as necessary for preserving security.[110] In short, this section indicates the wide scope of autonomy that the ideological hierarchy of the Islamic Republic preserves. In this way it is politically and legally capable of counter-acting any democratic innovation and movement.

3.5.1 THE SUPREMACY OF THE SUPREME LEADER OVER LEGISLATURE

Considering the constitutional and legal structure of the Islamic Republic as a religiously bound political system demonstrates that the political hierarchy is thoroughly derived from a divine legitimacy. In other words, the legitimacy of power is shaped according to a specific interpretation of Islam. Ironically, in such an Islamic regime, in contrast with other non-democratic states, the contention and struggle to gain political power is attributed to fulfilling God's wishes. In addition, by comparing the authority and at the same time accountability of the *wali faqih* (the leader) in the Islamic Republic, it is shown that religious and political authority have been increasingly concentrated in the hands of the leader (*wali faqih*) which is far beyond the normative provisions of any constitutional system.

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[109] Further detail follows in the next section.

[110] The whole legislations of this council are not published due to being perceived as top secret documents. However, some decisions are broadcast in the form of a very short summary. For example, the council banned the media from publishing Ayatollah Taheri's resignation letter, with no further explanations (refer to Chapter 5).

However, the discussion about *wilayat al-faqih* inside as well as outside the Assembly of Experts, revealed a group of hardliners who were unwilling to accept even the somewhat limited restrictions which the text of the constitution imposed on the power of ruling jurists. The hardliners also expressed their displeasure with such "new-fangled" institutions as parliament, especially when these were granted powers which they preferred to see reserved for the jurists. They demanded much more absolute and concrete rule for *wilayat al-faqih* with the same full authority that the Prophet had exercised as God's deputy on the Earth.[111] Ultimately this process went far beyond the conditions laid down in the constitution. The high point of this process was reached when in 1987 Khomeini declared the rule of *wilayat al-faqih* to be absolute.

Although Khomeini quite often showed his intention of not interfering in the government's affairs, the critical situation between revolutionary forces led him to bring a more personal influence and even presence in order to direct events in due course. It was not expected of him to engage with daily and ordinary political rivalry since he had decided to reside in Qum instead of Tehran on his return from exile. But, the intensity of the situation and the charismatic personality of Khomeini played a significant impact on how he modified his practice and undertook much more involvement in the executive affairs of the state. For example, the way he created the Revolutionary Courts immediately after the fall of the old regime, appointing their judges himself and granting the courts absolute power. However, he was keen to show his impartiality and tried to stay away from the centre of rows by delegating decision-makings to his close allies.

Khomeini's function as the highest legislative power until August 1980, when parliament began passing laws, did not appear as an obvious contradiction to the sovereignty of the people because he was well recognised as the true leader of the revolution. However, once the country's legislative institutions—parliament and the Guardian Council—began their work, the contradiction became much

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[111] *Mashruh-i Muzakarat-i Majlis-i Khubragan* [The Deliberation of the Assembly of Experts], Tehran, Presidential Publication, vol.II, 1369 [1980], p.1065.

greater. During this period the most important decisions concerning both the legislature and the legislation were still significantly influenced by Khomeini. In fact, his influence was so great that it caused several changes in the powers conferred to parliament and the Guardian Council, including revisions of the text of the constitution in ways the constitution itself does not sanction, and the establishment of a council to undertake such revisions.[112]

The first step in changing the balance between two legislative institutions gave the Majlis greater authority by which it could pass laws in an emergency with an absolute majority even though it would be in contradiction to the Shari'a law and the primary Islamic ordinances (*ahkam-i avvaliya*).[113] The immediate occasion for this was a measure taken by the Revolutionary Council and later by the Majlis to restrict private ownership of agricultural and communal lands.[114] Basically, as these measures were in direct contradiction with the Shari'a, the Guardian Council rejected them. However, the government of the Islamic Republic deemed it vital to increase its wealth and so consulted Khomeini to resolve the problem. The answer was positive and in favour of the government and the parliament which demanded his approval to bypass the Guardian Council.

This was a temporary relief for the government and the Males. As the Guardian Council found other ways to foil resolutions of parliament, Khomeini issued another decree on 6 April 1984 in which he declared that the relevant resolutions of parliament must depend on a two-thirds majority but that such resolutions would no longer need the approval of the Guardian council. However, these solutions did not succeed in resolving the persistent deadlock between the government and parliament on one hand and the Guardian Council on the other. The regime thus saw itself trapped in an equation of acting according to the Shari's or being committed to the expediency of its primary interest. Khomeini intervened again with a far-reaching measure through establishing a new legislative institution. Its primary task was to resolve problems resulting from a

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[112] Schirazi, *The Constitution of Iran*, p. 63.
[113] Amir Arjomand, *The Turban for the Crown: The Islamic Revolution in Iran*, Oxford University Press, 1989, p.183.
[114] Schirazi, ibid.

contradiction between the Shari's and the demands of modern legislation, particularly when recourse to other regulations based on adapting the Shari's proved equally unsuccessful.

In January 1988 Khomeini declared that an Islamic state had the right to disregard the Islamic ordinances when passing certain resolutions in the primary needs of the Islamic state. The only principle to be followed is "what is in the interest (*maslahat*) of maintaining the regime (Islamic order)". At this point some observers argue that the aforementioned adoption of bestowing upon the parliament the more practical and independent legislative authority should be seen as a progressive approach by the highest rank of the Islamic Republic. In other words, it was to reclaim the genuine authority of the parliament in a modern regime which ought to be affirmative. However, this view seems very optimistic and not fulfilled by the wider reality. In essence, Khomeini made recourse to set up even un-Islamic laws if that was what was needed to maintain the whole entity of the Islamic state.

In a decree issued on 7 January 1988, Ayatollah Khomeini announced that government rule (the rule of the Islamic Republic) is "derived from the absolute dominion of the Prophet of God." So maintaining the rule of God (the Islamic Republic) is the first and foremost obligation and stood above "all ordinances that were derived or directly commanded by *Allah*." Therefore, if a measure was in the interest of the state and thereby Islam, it could terminate other Islamic ordinances, even prayer, fasting and the pilgrimage to Mecca (*ahkam-i ilahi*).[115] Accordingly, on 6 February Khomeini set up a body (the Expediency Council) with the task of assessing what was in the interest of the state as and when required in the case of disagreement between parliament and the Guardian Council.

The logic behind the establishment of the Expediency council was to facilitate the task of legislation which had been repeatedly blocked by continuous disagreements between parliament and the Guardian Council. However, we

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[115] Ayatollah Khomeini's letter to President Khamenei published in *Kayhan*, 7 January 1988.

cannot find any legal ground upon which such institution was set up. In other words, Khomeini's decree was recognised as a self-legislating one which had the power to create another crucial legislative body, which in essence proved that Khomeini had the same power as a constituent assembly. According to his decree, the Expediency Council was given the power to make a final decision in disputed cases. The task of this council has been increased since Khomeini's death and it now acts as the advisory body of the leader as well as fulfilling its original task of legislation.

Therefore, the Islamic Republic now had one more un-elected institution with legislative powers whose members were not chosen by the people but by the leader.[116] Furthermore, the Expediency Council was not the only body which Khomeini endowed with the power to pass legislation independently of parliament and the Guardian Council, and even outside the framework of the constitution. There was also the Supreme Council of the Cultural Revolution, formed in 1980 shortly after the universities were pressurised into closing. This council, whose members were appointed by Khomeini, was instructed to transform the education system in universities and schools on the basis of the Islamic culture and values. Surprisingly, in January 1987, at the request of then President Khamenei, the leader conferred on it the right to formulate "guidelines and rules" (*zavabit va qvai'd*) independently of parliament.[117]

3.5.1.1 THE AMENDMENT OF THE CONSTITUTION

Of course, there was no provision in the constitution allowing the Leader to act independently in this way. Khomeini's decisions of this kind were based solely on the principle that the rules of jurists, which in this case represented by the person of Khomeini, are practically unrestricted. According to this principle, the jurist leader not only has the power to issue government decrees independently of parliament and the Guardian Council, but also to issue decrees that would

[116] Article 112 of the Constitution.
[117] Schirazi, *The Constitution of Iran*, p. 65.

ignore the constitution if, in his opinion, these decrees are in the interest of the Islamic state.[118]

However, ten years' experience of the Islamic Republic had proven that the existing structure of the constitution can no longer be beneficial as the specific balance of power had repeatedly brought the Islamic regime to a standstill. In addition, the immediate prospect of Khomeini's demise as a charismatic leader alarmed the ruling class to prepare for a safe and sound transfer of power. Therefore, the need was felt to amend the constitution in order to achieve a merely political goal which was not surprisingly accomplished through a legal pathway. However, these developments coincided with the end of the Iraq-Iran War and the urgency of reconstructing the country. So both political and social grounds were ready to accept that such a change was inevitable and must be done without delay.

Yet it was inexpedient to disregard the constitution in the longer term. Therefore, Khomeini announced in April 1989 that the Assembly for Revising the Constitution would be set up to consider several issues to be added to or amended from the constitution. The Council was responsible for discussing and specifying the issues which had been presented by the three branches of the government to the leader for initial approval and then to the people to be voted on. Three main features can be counted in the amendment of the constitution relating to the office of Supreme Leader. In fact, these changes paved the way for a much smoother transfer of power to the next leader and administration.

The most significant modification was to remove the need for the leadership candidate to bear the title of "Grand Ayatollah" (the Source of Imitation or *marja'-i taqlid*). It is also worthwhile to mention that while the amendment of the constitution was being processed and although the new text had not yet been voted by the people in a referendum, due to the death of Khomeini the new leader was appointed according to an unapproved version of the constitution. The second alteration concerned the judiciary and its highest rank, which

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[118] Ibid, p.64.

previously had been the Supreme Council of Judiciary, comprising of high profile judges who elected the head of council. According to the new version of the constitution, the Supreme Council of Judiciary was abolished and, in turn, the Head of Judiciary was to be appointed by the leader. The third alteration concentrated on having more items on the list of the leader's powers such as the right of appointing and removing the Head of the National Broadcasting Company which is the sole broadcasting company in the country. In addition, another major change was abolishing the office of the prime minister and strengthening the executive power in the hands of the president.

Moreover, Ayatollah Khomeini as the Supreme Leader frequently employed legislative powers without consulting the constitutional bodies of government, or even those legislative organs he himself had created. In other words, a full scale of what can be named as "arbitrary rule" was in practice. A known routine in the Islamic Republic is to refer to the leader and request his intervention in order to resolve persistent disagreements between government bodies. Ironically, this intervention for the regime's advocates is not only considered as a disadvantage and inefficiency for constitutional order, but is regarded as a unique privilege of the Islamic regime to ease the crisis with the leader's resolving orders and decrees. For example, in one legislative act Khomeini ordered that the Supreme Council of Justice should not function as a council but that tasks should be divided among its members upon whom greater individual responsibility was conferred. Obviously, such decision is of a legislative nature and should have been done by the parliament.[119]

Ayatollah Khomeini also announced a decree in December 1982 which consisted of eight separate points relevant to the justice system. For instance, the decree made it illegal to arrest and interrogate people without a proper court order and to search homes without a warrant. [120] All these points had been mentioned and sanctioned by the constitution but due to widespread wrongdoings by the officials the leader personally had to intercede. Finally, he created the Special Court for the Clergy (*dadgah-i vizhiyyih Rawhaniyat*) whose

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[119] Arjomand, *The Turban for the Crown*, p.182-184.
[120] Schirazi, *The Constitution of Iran*, p.66.

jurisdiction was exclusively designed to try the clerics only and separated from the administration of the judiciary. These decisions were in clear contrast to Articles 157 and 158 of the constitution where the Judiciary branch is assumed to be responsible for such decisions whether directly or through passing legislations through parliament. However, the matter of appealing and requesting Khomeini to intervene and legislate on controversial issues was taken for granted by almost all the officials inside the government. In other words, Khomeini's decrees and commands were the last resort in reaching a decision.[121]

Not surprisingly, Ayatollah Yazdi revealed some specific cases of such actions which simply and routinely ought to be discussed and passed by the parliament in an ordinary state of affairs: [122]

1. The standardisation of sentences involving discretionary punishments, a problem that Parliament, the Guardian Council and the judiciary could not agree upon.
2. Allowing insufficiently educated judges to practice in the courts. Whereas according to Article 162 of the constitution only jurists (*Mujtahids*) were eligible to hold such posts.
3. Determining those cases in which discretionary punishments involving whipping or flogging were appropriate.
4. Deciding whether justice should be dispended by single judge or several judges, and whether this should be after separate consultation or jointly.
5. Determining under which circumstances appeals could be allowed after a legal judgment has been delivered.
6. Clarification on the issue of whether smugglers, like "hypocrites" (*munafiqin* by which was meant members of the MKO (*sazman-i Mujahidin Khalq)* Islamic Militant Organisation) or their sympathisers), should be tried singly or in their quality as members of a group which has

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[121] Arjomand, ibid, p.161.
[122] He was a member of the Supreme Judiciary Council, who became the Head of Judiciary after Ayatollah's Khomeini's death.

already been condemned as "insurgents against God or perpetrators of corruption on the Earth.[123]

As mentioned earlier, for Yazdi like most Islamists, legislating by the Supreme Leader is not only considered an extraordinary way of legislation, but a precious tool of governing according to the Islamic principle. Apart from judiciary and legislative affairs which naturally would be in contradiction with the Islamic Shari'a, the Supreme Leader's supremacy over the executive branch can be clearly demonstrated in connection with the most important decisions undertaken by that part of government. A salient example is the prominent domination of the foreign policy agenda by the Supreme Leader. It is a fact that Khomeini was the prime decision maker on both the general guidelines for foreign policy, as well as specific steps which were taken in order to put these guidelines into practice.[124]

In fact, the foreign policy pursued by Ayatollah Khomeini was rooted in his conception of an Islamic state and the role he envisaged for it on the world stage. His primary goal was to obtain a sharp and absolute independence in relation to any other powers, but publicly he admired the idea of the Islamic rule all over the world which gave the Islamic Republic a major ongoing task to carry out. Effectively, such outrageous policies scared Iran's Muslim neighbours rather than any other non-Muslim country in the world with the exception, of course, of Israel.

3.5.2 THE REPRESENTATIVES OF THE WALI FAQIH

The *wali faqih*'s representatives are numerous and widespread across the Iranian administration apparatus. In almost all governmental administrations whether civil or military such positions have been practically installed and the person who holds this title benefits from the same treatment and privilege as the head of the relevant administration would have. Although the constitution confers only

[123] *Kayhan*, 27 January 1989.
[124] Rajai Khorasani's interview with newspaper *Ettelaa't* 12 November 1990.

supervisory powers over the government on the leader, in practice the whole of the state apparatus is geared to carry out the Supreme Leader's orders which literally are conveyed through his representatives. Metaphorically, Hadi Khamenei, when he was a member of the Assembly for Revising the Constitution, stated that although Ayatollah Khomeini's office consisted of only one room, his hands would reach into the most distant corners of state administration.[125]

The leader's representatives amongst the government authorities are in fact his special assistants.[126] Officially the representatives of the leader only exercise a supervisory function, but in practice, as Mahdi Bazargan writes, they decide on everything in the government agency where they are posted.[127] However, the fact that there is no mention of these representatives in the constitution caused much difficulty at last in the Guardian Council, which concluded that they be legally recognised in the revision of the constitution. It was clearly inappropriate that so influential an apparatus of power should not be based on legality.[128]

On the other hand, the persisting intervention of the representatives of the leader in the work of the government authorities, and the inconvenience which this caused, can be counted as the reason for not making their office a legally quoted institution. If they acquired a constitutional status, according to the then Prime Minister Musavi, this would paralyse the government.[129] To justify his point Musavi described how the heads of other government organisations feared the representatives of the leader and how this fear impeded their work. Therefore, it is apparent that if these delegates were to be legalised, the existence of the government was in great doubt. Even Rafsanjani, a prominent figure in the

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[125] Bahman Baktiari, *The Parliamentary Politics in Revolutionary Iran: the Institutionalization of Factional Politics*, Gainesville, University Press of Florida, 1996.
[126] *Mozakarat-i Baznagari dar Qanun-i Asasi* [Debates on the Revising the Constitution], Tehran, Majlis Publication, vol.I, p.286.
[127] See *Zendegi-namiyyih Mahdi Bazargan* [Bazargan's Autobiography], Tehran, Serat Publication, 1984, p. 122.
[128] It was how Ayatollah Mo'men a member of the Guardian Council, argued in the Assembly for Revising the Constitution in defence of his suggestion that the representatives of the Imam should be adapted in the Constitution. *The Debates on the Revising the Constitution*, Presidential Publication, Tehran, Vol. II, P. 698
[129] Schirazi, *The Constitution of Iran*, p. 73.

Islamic Republic, expressed his objection to giving institutional status to the representatives of the leader.[130]

Eventually, the proposal for the constitutional legalisation of the leader's representatives did not obtain a majority in the Assembly for Revising the Constitution. However, this office was not abolished and remained until Ayatollah Khomeini's successor took the office of leadership. In addition to this aforementioned authorities and powers, whether mentioned in the constitution or not, the Supreme Leader has full authority upon all so-called "revolutionary institutions". These institutions are founded upon the properties confiscated from the members of the former regime and are estimated to possess about 35 per cent of the national wealth. These are the Foundation for the Deprived and War-Disabled, the Foundation of Martyrs, and the Committee of the Imam (a nationwide charity which has the license to raise cash).[131]

In short, all these different powers may be summed up in one sentence: over and above the Supreme Leader's functions as religious and political authority, he holds in his hands the reins of all branches of government and all other powers necessary to run a government. As leader and Source of Imitation (*marja' taqlid*) he can intervene in all matters of government whenever he wishes or is asked to do so. Therefore, with such an immense concentration of power in the hands of the leader, the sovereignty of the people is simply, for practical reasons, abolished. Although it did not correspond to the actual wording of the Islamic Republic's constitution, it has been consistent with its spirit and in essence with the concept of *wilayat al-faqih.*

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[130] *The Debates on the Revising the Constitution*, vol. II, p. 654.
[131] Wilfried Buchta, *Who Rules Iran? The Structure of Power in the Islamic Republic*, Washington D.C. Washington Institute for Near East Policy, 2000, p. 73-75.

3.5.3 THE RESTRICTIONS ON PEOPLE'S RIGHTS (THE GUARDIAN COUNCIL)

The limited sovereignty given to the people in the Constitution is not only the result of concentration of unlimited power in the hands of the Leader,[132] but also because of the nature of other institutions set up by the constitution presumed to represent the people (parliament, presidency and the Assembly of Leadership Experts). These institutions have either lost their representative character due to their rigged elections or yielded their powers to other state organs not chosen by the people. According to Article 62 of the Constitution, the organisation of parliamentary elections is left to the legislative institutions themselves. The first regulations for holding the First Majlis were decided by the Revolutionary Council in February 1980.

Under these regulations, the eligibility of candidates depended on a series of conditions that were open to arbitrary interpretation and set in order to prevent unwanted people from being elected or even running as a candidate. For example, a candidate must not be "suspected of dishonesty or moral depravity" and his "allegiance to the government of the Islamic Republic" must not be in doubt. In addition, as a pre-emptive action the entire body of officials who had served the former regime even in level of municipal councils were completely banned from nominating themselves as candidates.[133] Also in 1984 further amendments were introduced to provide restrictions on parliamentary candidates.

The new legislation required prospective candidates to have made "a practical commitment" or "an authentic religious profession and commitment to Islam". According to this amendment, large landowners who had had barren lands registered in their name, people condemned by the courts as apostates or sentenced to *hadd* punishments[134] and whose repentance had not been

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[132] It depends on the interpretation of the role and power of *wali faqih*, as whether to assume his role absolute and beyond the law or within the law.
[133] *Qanun-i Intakhabat-i Majlis* [the parliamentary electoral laws], Tehran, Presidential Publication.
[134] The punishment which has been asserted by the God and quoted in Koran.

confirmed, or anyone who fell under the sanctions stipulated by Article 49[135] of the constitution were disqualified from standing in an election. The irony is that the parliament itself passed such non-democratic regulations.

On the other hand, as mentioned before, according to the Iranian Constitution the power of the parliament is greatly limited by the Guardian Council. Of course, the extent of these restrictions can only be fully appreciated if we analyse how legislation is carried out in practice. This is best understood by examining the power of the veto which the Guardian Council is able to exercise over all parliamentary resolutions in the name of *Shari'a* and the Constitution. During the first Majlis the Guardian Council raised objections to 102 out of 370 (about 27.5 per cent) of the legislations passed by the Majlis, and sent them back to be amended. During the second Majlis, this figure rose 118 out of 316 (37.3 per cent) and during the third Majlis to 96 out of 245 (39.9 per cent). This practice was followed with passion during the fourth Majlis in which 128 bills were returned for revision.[136] In addition, the number of repeated rejections by the Guardian Council even reached to five times in some cases. That caused the formation of the Expediency Council to be seemingly indispensable to ensure that the legislative body was not completely lifeless.

Rejections made by the Guardian Council to parliamentary resolutions meant that the bill will either dropped altogether or should be altered according to the wishes of the Guardian Council. However, since the Expediency Council has come into existence, it makes the final decision on resolutions which the Majlis and the Guardian Council cannot agree upon. As a matter of fact, the parliamentary resolutions which the Guardian Council objects to are of greater importance in terms of their influence on political and social life in the Islamic Republic than the resolutions which do not make a substantial different in socio-political life. A former member of the Guardian Council has categorized such resolutions as "Fundamental Bills" against the "Ordinary Bills".[137] A published report stated that during the first and second parliaments, out of 64 parliamentary

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[135] Article 49 lists the professions and businesses which the *Shari'a* declares are forbidden.
[136] Schirazi, *The Constitution of Iran*, p.93.
[137] Ayatollah Kashani who is also the temporary Friday Pray Imam of Tehran.

resolutions of fundamental importance 31 were rejected by the Guardian Council.[138] These were resolutions that dealt with foreign trade, land ownership, industrial law, and the co-operative system.

Also, in regard to examining resolutions, the Guardian Council adopts an attitude of dominance towards the Majlis which is quite obvious. As a result, the Guardian Council is mostly not concerned about informing parliament of the reasons for its decisions. Consequently, the council usually confines itself to state its objection on a particular resolution whether it is against the *Shari'a* or one of articles of the constitution. And in most cases where the Majlis requests the Council to give the reasons for such decisions, there is no detailed answer.[139] This caused public indignation during the first Majlis. The then Speaker of Parliament, Rafsanjani, accused the Council of overstepping its limits when it rejected a bill approved by parliament concerning buying and selling merchandise.[140] He represented the opinion that, if this procedure continued in the same way, the power of veto of the Guardian Council would in practice lead to the disempowerment of the Majlis.[141] He also described the method adopted by the Guardian Council as "extremely dangerous" and demanded that it should only exercise its powers on request.[142]

Apart from the opposition's point of view in which the whole system of Islamic scrutiny is unacceptable, the major criticisms towards the Guardian Council have come chiefly from the Islamic leftist camp in the ruling system. The stronger their representatives grew in parliament, the more severely the conflict between the two legislative institutions became apparent. During the third Majlis in which the faction of Islamic Left had the majority, it resisted and continued to protest against the Guardian Council's concrete position. While the Majlis and government dominated by the Islamic leftists had similar opinions on the bills, the Guardian Council supported by the conservatives repeatedly blocked them and consequently, tension mounted at the highest level. Ironically, during the

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[138] *Resalat*, 18 June 1987.
[139] Ibid, 9 June 1987
[140] *Kayhan*, 15 August 1984.
[141] Ibid, 21 October 1985.
[142] *Kayhan*, 14 August 1984.

1980s the most controversial cases between the Majlis and the Guardian Council were about private land ownership. The House of People voted to restrict individuals' right to own properties, whereas the conservative Guardian Council consistently rejected parliament's resolutions in order to protect the individual's right of ownership (even though this was in the name of Islamic law).

One might ask how the non-democratic Guardian Council was in favour of individual rights while the supposedly representative government and parliament were both against people's rights. The answer lies in the political constituency of these three institutions during that particular period of time. During the first decade of the Islamic Republic, the government and the parliament were dominated by the radical-populist elements with leftist opinion on political and economic issues and the Guardian Council consisted of high profile jurisprudents with traditional support and links to the merchants and Bazaar. The justification given for such restricted legislation from the government and Majlis was the necessity of the time, while the Guardian Council was not willing to recognise any necessity other than keeping the *Shari'a* law in practice which, indeed, was in the interest of their class too. Hence, the contradictions hanging over the concept of the *Islamic state* concern not only the differences between 'Islamic rule' and 'democratic rule', but also between 'the Islamic rule' and 'Islamic law' per se.

The extent of the intervention by the Guardian Council in every detail of governmental affairs such as budgeting well exceeds the boundaries of separated powers. According to the Constitution any type of contract, treaty, and accord signed by the government must be passed by parliament, otherwise it will not be effective. For example, a mutual agreement between the Iranian government and India about launching a direct flight between two countries needs to be approved by the parliament, if that agreement is to be written and bears the title of contract. Of course, the situation worsens when the Guardian Council also should examine whether such resolutions are in accordance with the constitution and the *Shari'a* law or not.

Another power reserved for the Guardian Council is specifically stated in the constitution—namely the right to interpret the constitution. The Council has made use of this right on several occasions, mainly during the early years of the Islamic Republic. If these interpretations are passed by a three-quarters majority, the Council's verdict on the Constitution will have the same validity as the Constitution itself. Otherwise they have the force of advisory judgements and are not compulsory.[143] According to its own ruling, the Council interprets the Constitution when requested to do so by the Presiding Board of the Parliament, the Head of Judiciary, the Cabinet or the president. Most observers believe that in practice, the Guardian Council through its frequent rulings on interpretation of the constitution has tended in a direction which has pleased the conservative camp.[144]

3.5.4 THE EXPEDIENCY COUNCIL

In addition to the office of Supreme Leader and the Guardian Council which have the power of legislation, there are other institutions which participate in legislation but which were not set up to represent the people. These are the Expediency Council, the Supreme Council of the National Security and the Supreme Council of the Cultural Revolution. However, the institution of the Expediency Council obtained constitutional status due to the amendment of the constitution and accordingly is responsible for concluding the persistent disagreements between the Majlis and the Guardian Council,[145] but it could also operate as an independent legislator when it is deemed necessary to do so. In other words, the Expediency Council can pass legislations with no referral from either parliament or the Guardian Council, but from the Supreme Leader. Obviously, the Council from the outset emerged as an exceptional provision within the political structure and caused some difficulties over its mandate, justification and functions.[146]

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[143] See Dr. Mehrpur's interview with *Resalat* newspaper 23 February 1992
[144] Schirazi *The Constitution of Iran*, p. 95.
[145] Plus advisory status for the Supreme Leader.
[146] Anoushiravan Ehteshami, *After Khomeini: The Iranian Second Republic*, London, Routledge, 1995, p. 33.

Of course, this is a perceptible infringement on the Constitution but such statutes based on its approval were endorsed by Ayatollah Khomeini thereafter.[147] Out of 50 decisions taken by the Expediency Council since the 1992, only 14 were in response to the persistent and referred disagreement between the Majlis and the Guardian Council. The Expediency Council is free to formulate its decisions either by agreeing with the position of the Guardian Council or that of parliament. However, it can also decide an independent outcome, ignoring the other two institutions. For instance, the law on how to tackle drug trafficking and its punishments was ratified completely by the Expediency Council in 1988. Consequently, this very self-determined authority was limited slighted by adding that: the Council shall meet for consideration on any issue forwarded to it by the "Leader" and shall carry out any other responsibility as mentioned in this Constitution. Also, the permanent and changeable members of the Council shall be appointed by the Leader. The rules for the Council shall be formulated and approved by the Council members subject to the confirmation by the Leader.[148]

However, up until 1997, the then President (Hashemi Rafsanjani) was also the Head of Expediency Council. But, due to the election of the pro-reformist Khatami, the Leader decided to appoint the former President (Rafsanjani) to carry on with the job instead of sticking to tradition and assigning the new President to lead the Council. The public image at that stage perceived this decision as a courtesy towards a powerful president who willingly obeyed the law and stepped down from the presidency. But, in effect, this change drastically affected the authority of the elected government and weighed on the side of the un-elected part of the regime.[149] On 18 March 1997, Ayatollah Khamenei issued a decree unfolding the new arrangements on the membership, operation and leadership of the Expediency Council. In essence, the new structure of the

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[147] The Expediency Council's self-approval conducted on 24 October 1989 and was endorsed by Khomeini two months later that year.

[148] Article 112 of the Constitution.

[149] Wilfried Buchta, *Who Rules Iran? The Structure of the Power in the Islamic Republic*, A Joint Publication of the Washington Institute for Near East Policy and the Konard Adenauer Stiftung, Washington, 2000, p.61.

Council provides far-reaching status for it in terms of superiority over parliament and government.[150]

In particular, with the introduction of a new, two type membership, the Council tends to act as a Senate more than a mere dispute-solving body. Khamenei's order illustrates the various aspects of importance that the council is supposed to bear and the extent to which the Leader is free to decree.[151] The whole document clearly demonstrates a kind of super authority perceived by the Leader. He did not hesitate to establish a set of new functions for a newly reformulated institution, demanding it to act precisely under his supervision. Consequently, the new Expediency Council under Rafsanjani's direction turned into a conservative dominated council with a majority membership of famous conservative figures. The conservatives who would have occupied governmental roles if Nateq Nuri had been able to win the 1997 presidential race found it very beneficial to enter the Council and therefore wrestle with a pro-reformist government. Finally, the performance of the Council since then proves how far its existence was conducive for the efforts made by the conservatives to halt the reformists' democratic agenda. This point will be discussed in detail in the following chapter.

3.5.5 THE SUPREME COUNCIL FOR NATIONAL SECURITY

The Supreme Council for National Security is another institution given the right to have a legislative power and role.[152] It was formed on the instructions of the Assembly of Revising the Constitution and charged with the task of safeguarding "the national interest and along with protecting the Islamic Revolution, as well as the territorial integrity and the national sovereignty of the country". This Council's functions are formulated in Article 176 of the Constitution as follows:

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[150] Ibid, p.62.
[151] Appendix 1.
[152] Article 112 of the Constitution.

1. Determining the country's policies concerning defence and security within the framework of the general government policies determined by the Leader.
2. Coordination of activities in the areas relating to politics, intelligence, social, cultural and economic fields in regard to general defence and security policies.
3. Exploitation of material and intellectual resources of the country for facing the internal and external threats.

The membership of Council is to consist of: heads of three branches of the government; chief of the Supreme Command Council of the Armed Forces; the officer in charge of the planning and budget affairs; two representatives nominated by the Leader; ministers of Foreign Affairs, Interior Affairs and Intelligence; a minister related to the issue; and the highest ranking officials from the Armed Forces and the Islamic Revolution's Guards Corps. Commensurate with its duties, the Supreme Council for National Security shall form sub-councils such as Defence Sub-council and National Security Sub-council. Each Sub-council will be presided over by the President or a member of the Supreme Council for National Security appointed by the President. The scope of authority and responsibility of the Sub-councils will be determined by law and their organizational structure will be approved by the Supreme Council for National Defence. The decisions of the Supreme Council for National Security shall be effective after the confirmation by the Leader.[153]

This council is yet another institution which existed long before it was legally recognized. It has been capable of stretching its hands over other official government functionaries and therefore, deciding key high profile policies. It makes decisions about a whole range of matters, specifically foreign policy, which naturally should be made by the president and supervised by the parliament. Although the head of council is the president, ironically all decisions should be approved by the leader which practically reduces the role of president to a secretary level. Also, due to the ideological nature of the Islamic Republic a

[153] Article 112 of the Constitution.

wide range of issues relating to the people's freedom are discussed by this council.

In practice, the implementation of different measures to restrict people's rights in the long term was given to this council, whereas originally it is for the parliament to decide on in case of necessity. For example, as clergy Yazdi admits, the Council draws up plans for fighting against "the cultural invasion instigated by the West and its allies within the country" and for restraining "social immorality".[154] Also, according to the then Speaker of the Majlis, Nateq Nuri, the Ministry of Foreign Affairs only carries out the preparatory phase for respective decisions. The council's intervention in areas which are not normally defined as defence and security is no longer rare, because for such an ideological state every event becomes a matter of security for the regime, whether it be the publication of a political article in a periodical or the protest of teachers for their demands for higher salary and better pension scheme.[155]

3.5.6 THE SUPREME COUNCIL FOR THE CULTURAL REVOLUTION

This council is another institution with legislative power which is not elected by the people and was not even mentioned in the Constitution. The Council's initiative dates back to the Revolutionary Council in 1980 which established it to implement the "Islamization process of universities". Consequently, it began with closing down all universities and expelled a considerable portion of professors and lecturers. However, in 1984 Ayatollah Khomeini certified its new statues which describe its aims and tasks. They clearly demonstrate the extent of this council's activity in areas which in a democratic system would normally be dealt with by parliament. Amongst its tasks are "to identify the principles for cultural policies under the government of the Islamic Republic, and defining the goals and the directions of plans for culture, education and research" as well as "the spread and reinforcement of the influence of the Islamic culture in all areas

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[154] *Resalat*, 19 November 1990.
[155] At the time of writing this thesis the issue of teachers' protest in Tehran is being dealt with by the S.C.N.S

of society, and the intensification of the cultural revolution and promotion of approved general culture."[156]

This council debates and approves its own relevant issues put forth as the agenda. Ayatollah Khomeini emphasized that such approved issues must be regarded as laws. At the same time, there is no indication of such in the Constitution that the Supreme Council for Cultural Revolution is a legislative organ. Nevertheless, the Council's ratified bills are valid as approved laws. All in all, in accordance with the instructions of Ayatollah Khomeini and now his successor, this council is the final arbitrary body on cultural issues. Following the formation of the Supreme Council for Cultural Revolution, it declared itself the highest body for making policies and decisions in connection with cultural, educational and research activities within the framework of the general policies of the system and considered its approvals indispensable. In fact, the group of seven (in 1980-83) and then 17 (in 1984) that was even expanded to 36 in 1999 was expected to compile all the cultural policies of the country.

In addition to the legislative functionaries, the council was planned to operate as a controller body to block any independent student movement. This task was completed by banning many books and purging thousands of students and lecturers through a so-called selection process of applicants who wished to enter universities. Also, the Council formed a chain of institutions inside universities called "Islamic societies" (*anjuman islami*) to oversee students' social, political and even personal life. For instance, the latest controversial law-making issue occurred in October 2001 when the Supreme Council for Cultural Revolution ordered that all private Internet Service Providers (must be under state control.[157] The decision was never approved by the sixth Majlis but the government was ordered to implement it.[158]

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[156] *Majmu'-i Qavanin va Muqarrarat-i Nahad-haiyyih Inqalab-i Islami* [The Laws of Revolutionary Institutions], Presidential Publication, Tehran, 1372 [1993].
[157] <www.isna.ir> in an interview with Qulam Hussein Elham, The Judiciary Spokesman on 10 July 2003.
[158] Ibid.

3.6. CONCLUSION

Despite violent revolutionary upheavals, a bloody war with Iraq, numerous internal political protests and power struggles among the ruling elite, the Islamic Republic has managed not only to survive but also to maintain a considerable degree of political stability. The revival of politicised Shi'a discourse derived out of authentic discourse could successfully mobilise a large portion of the populace. This doctrine seized power in 1979 and has been consolidating its hold over the levers of power since. It allows the ruling elite to tolerate a limited degree of political pluralism, including presidential and parliamentary elections every four years. Nonetheless, the clerical regime has weaknesses. It has not succeeded in remedying the political, social and economic problems that led to the revolution in 1979. In particular, Iran's persistent economic difficulties have remained the main problem of successive governments in Tehran.

The Islamic Republic's power structures are the key to understanding the clerical regime's stability as well as the persistent tensions that prevail therein. The political system in Iran is characterised by a multitude of loosely connected and generally fiercely competitive power centres, both formal and informal. The former are grounded in the constitution and in governmental regulations and take the form of state institutions and offices. The latter include religious-political associations, revolutionary foundations, and paramilitary organisations aligned with various factions of Iran's clerical leadership. [159]

Generally, the above statement illustrates a summary of how the totality of the Islamic Republic is being perceived. It is a system combining of both democratic and non-democratic elements enshrined in the constitution. Moreover, due to dramatic differences between the rhetoric and aspirations of the Pahlavi regime and the Islamic Republic there is a general understanding that is the latter fundamentally different from the former. However, there is room for dispute on this as there is a huge difference in terms of political institutions and ideological preferences, whereas on the part of social structure and functionality of the state

[159] Buchta, *Who Rules Iran?* p. xi.

the facts signify otherwise (continuation). Anoushiravan Ehteshami argues that there is a structural continuity between the Pahlavi regime and the Islamic Republic. He says: "if the issue of the succession has dogged the Islamic Republic since its early years, so too have the structures of Pahlavi society, many of which remained in place, sometimes essential to the new republic."[160] In other words, the formation of the Islamic regime was a real upheaval in terms of political change, but it had little impact on social structures except in the replacement of a *comprador* class loyal to the monarch with an Islamic one. Also, as Ehteshami truly articulates "there is considerable evidence to suggest that the social relations of 'production, circulation and exchange' created by the Pahlavi regime remained very much intact under the new system."[161]

It is also important to note that the paradoxical elements embodied in the political structure of the Islamic Republic have created a suitable ground for altering social structure. Nevertheless, according to classical political thought the linear causality of events is usually perceived otherwise.[162] No doubt, the protracted dynamics of the leftist ideology in Iranian politics greatly contributed to shaping the new republic, although profoundly mixed with strong Islamic aspirations. Mehrzad Boroujerdi argues, "Islamic socialists played a key role in the Revolution and its ruling institutions. Indeed, the Islamic vision of revolution upheld by intellectuals like Ali Shari'ati had as much—if not more—to do with Karl Marx and Jean-Paul Satre than it did with the Prophet or first Shi'a Imam."[163] This argument is furthered by Daniel Brumberg by referring to "dissonance" in Iranian politics. He argues:

> The uneasy accommodation of competing visions of authority that has animated Iran's political system since the 1979 revolution is a familiar phenomenon in the Middle East. While some scholars use concepts like "corporatism" or "Islamic

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[160] Ehteshami, *After Khomeini*, p.4.
[161] Ibid. p.5.
[162] For example, according to classic Marxism, socio-economic change is prior to political change, whereas in Iranian case (both Constitutional Revolution and the Islamic Revolution) it was political change which took palace first.
[163] See Mehrzad Boroujerdi, *Iranian Intellectuals and the West: the Tormented Triumph of Nativism*, Syracuse University Press, 1996.

> democracy" to capture this phenomenon, I prefer the term "dissonance" because it points not to a coherent system (or ideological synthesis) but rather to the deliberate and uneasy linking of competing notions of political community.[164]

Therefore, despite the strong continuity of authoritarian essence inherited from previous regimes in the Islamic Republic and also several reasons why the Islamic Republic is not yet compatible with democracy, there is a persistent though sluggish political development. In other words, although there are various institutional and structural blocks yet preventing the "people's absolute right" to be exercised as aptly as it is done in the West, the current regime provides far more possibilities for socio-political interactions. For instance, holding more than twenty elections with considerable participation in less than two decades does demonstrate at least that the procedural level in reaching democracy, though with many flows, has materialised. As Brumberg points out the influence of "public opinion" in the Islamic Republic is a matter of importance, in particular in order "to explain the curious twists and turns of Iranian politics both during and after 1990."[165]

To conclude, it is true that the Islamic Republic has introduced an unprecedented model of governance in which both democratic and non-democratic institutions operate alongside each other. It is hardly possible, however, to ignore the socio-political developments occurring in Iranian society and say that the Islamic Republic is not treading through a democratising process. This is simply because of the expansion of the middle class and its massive participation in the production and possession of wealth and subsequently influence over the political process. This argument can be proved through scrutinising parliamentary politics of the post revolutionary period and its interaction with the democratisation process in particular. Therefore, in the next chapter, the focus will be the parliamentary politics of the Islamic Republic for its inception until 2004. The issues which will be covered in the next chapter are: the conduct

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[164] Daniel Brumberg, *Is Iran Democratising? A Comparativist's Perspective* in Journal of Democracy, October 2000.
[165] Ibid.

of elections, the factional politics before and after elections, people's participation and the interactions between the executive and the Parliament (Majlis).

4. CHAPTER FOUR: PARLIAMENTARY POLITICS OF THE ISLAMIC CONSULTATIVE ASSEMBLY (MAJLIS) OF IRAN

4.1. INTRODUCTION

Many have raised the question of "how the Islamic Republic of Iran has maintained its form of authoritarian rule."[1] I have also explained in a previous chapter that ingrained contradictions in both conceptual and procedural levels have halted Iran's embracement of modernity in general and with regard to democracy, in particular. However, ignoring both discursive and institutional development in Iran not only disconnects us from the ongoing dynamics of the Iranian society, but also prevents us appreciating the overall progress that painstakingly has been achieved. By now some serious critics of the Islamic Republic have categorised Iran as neither truly democratic nor merely autocratic or theocratic. For these critics, however, such complexity explains the longevity of the Islamic Republic and also indicates a degree of pluralism.[2] The intense competition to win seats at general elections, the various elections for both executive and legislative branches and also the circulation of power within the scope of loyalists to the Supreme Leader prove the existence of a limited political dynamic.

The Islamic Republic has the structural capacity to exercise democratic norms, although these institutions are supervised by the religious authority. The forms and functions of the rule-making structures in the Islamic Republic were framed with the intention that no structure would exceed its power to the extent that *wali faqih's* (Ayatollah Khomeini) authority could be questioned.[3] It is in this context that institutions like the Majlis (parliament) have to operate. Nevertheless, the assumption that ayatollah Khomeini would use his authority in a fashion that

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[1] Arang Keshavarzian, 'Contestation without democracy: Elite Fragmentation in Iran' in *Authoritarianism in the Middle East, Regimes and Resistance*, (ed) Marsha Pripstein Posusney and Michele Penner Angrist, London, Lynne Rienner, 2005, p. 63.
[2] Arang Keshavarzian, ibid.
[3] Bakhtiar, *The Parliamentary Politics in Revolutionary Iran*, University Press of Florida, 1996, p.22.

would make the role of an institution like the Majlis a formality was proven wrong, as in many cases he preferred the decisions reached by the Majlis to the verdicts of the Guardian Council. Unlike the Shah, Ayatollah Khomeini granted greater autonomy and decision-making power to various state institutions and factions. "[Instead] he determined what was tolerable in the Islamic Republic and maintained a balance between various factions, not allowing one to eliminate the other."[4]

In Chapter Two we analysed the discursive development in the field of Islamo-Iranian political culture. Specifically we examined the interaction between Shi'a political thought and the trajectory of Iranian intellectualism. In Chapter Three, we studied the institutionalisation of such discourse and its accumulation of both democratic elements and religious precepts as the Islamic Republic. Based on this, in the present chapter we aim at understanding the nature and function of parliament (Majlis) as the most progressive and democratic institution enshrined by the Islamic Republic's Constitution. The institution of parliament has a century of history in Iranian politics with various pluses and pitfalls. As thoroughly discussed in the second half of last chapter, it is true that the Constitution does not recognise political superiority for the Majlis, but it balances the government with the pervasive vetting and scrutinising power of the parliament. In other words, although we acknowledge the peculiar constitutional arrangement—paradoxical distribution of power and legitimacy between democratic and non-democratic elements—in the Islamic Republic, it is also necessary to appreciate the substantial weight the Constitution has granted the Majlis to control government. Our endeavour in this chapter is to highlight the function of the Sixth Majlis—renowned for its reform agenda—to underpin our hypothesis that although politically speaking there may be no democratisation occurring in Iran, at the level of public discourse there is.

In our research to find elements of an ongoing democratisation process in Iranian politics, we are faced with different positions ranging from parliamentary

[4] Ibid, p.23.

democracy[5] to absolute authoritarianism within the last 100 years. Surprisingly, Iranian politics has shown that these two contradictory situations (parliamentary democracy and absolute authoritarianism) can easily replace each other and it can occur regardless of what type of political system is in place, whether it is a monarchy or a republic.[6] For example, the Fourteenth Parliament during the reign of Pahlavi II acted independently and in a democratically similar way to other parliaments of the world in that historical context.[7] It did not, however, survive long enough to underpin the democratisation process, but unintentionally paved the way for a more authoritarian rule.[8] In fact, the Fifteenth Majlis consisted of governmental figures and officials who saw their interest in seeking to preserve the absolute source of power (the Shah).

In this chapter we first endeavour to present an analytical picture of the institution of parliament in the Islamic Republic. The focus is on the function of the Islamic Consultative Assembly and its characterization as an elected (democratic) body. In first section, we also discover a similarity between the First Majlis and the Sixth. Both were supposed to be more inclusive and reformist compared to their previous counterparts, but both were replaced with rigid and radical successors. This chapter also aims at analysing the process of factional politics which subsequently resulted in reformist-conservative competition. In the second part, we will concentrate on the Sixth Majlis, its election under the severe approbatory supervision of the Guardian Council, the members, political affiliations, legislations, and the successes and failures of the reform agenda.

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[5] By parliamentary democracy, we mean upholding of democratic procedures in line with the democratic cause and not necessarily reaching the point of operative democracy.
[6] The Failure of the Sixth Majlis to accomplish the reform agenda and its replacement with a fundamentalist Majlis, 7th Majlis, (*Usulgara vs Islahtalab*).
[7] The Fourteenth Majlis voted to premiership of Dr.Mosaddeq and nationalized the oil industry.
[8] For instance, in the Islamic republic we can point to the succession of hardliner parliaments after the sixth Majlis in 2004.

4.2. THE INSTITUTION OF PARLIAMENT IN THE ISLAMIC REPUBLIC OF IRAN

After the ratification of the Constitution in December 1979, an election bill was drafted by the Revolutionary Council on 6 February 1980. Since there was no Majlis at that time, the Council was empowered to write the first electoral law. This election law had two components: 1- the conditions and qualifications for candidacy, and 2- the mechanism of screening and implementation. The first part states that elections will be directed with a double balloting system. An eligible candidate must have Iranian citizenship, a minimum age of twenty-five, a clean criminal record, a belief in the Islamic Revolution (state structure), and the ability to read and write. Also, this law enfranchised all citizens aged sixteen and over to vote. As we can see, the overall conditions for candidacy and of course the franchise are meant to be more inclusive and accessible compared with some democratic countries. For instance, it did not require obtaining a certain amount of support, a signature or being represented by any party.

However, the most controversial part of the law was that the elections were designed to be held in a two-round system in which candidates must receive an absolute majority; or the candidates with the highest numbers of votes must compete in the second round of elections. These measures caused considerable upset within different political parties, particularly those with no link or sympathy to the Islamist core of the regime.[9] Apart from the Islamic Republic Party (IRP), whose members were close allies to the Supreme Leader Ayatollah Khomeini, most groups condemned the new law. These groups, including *Mujahidin-i Khalq* (MKO)[10], Iran's National Front (INF), National Democratic Front and the Marxist *Fadayi*, argued that the new law was another measure designed by the Islamists to exclude them from the political arena.[11] The successful candidate needed to obtain the absolute majority of all votes. In other

[9] *Rah-i Tudeh*, Bulletin No.3, Vol. 16, 1996.
[10] People's Militia Organisation.
[11] Bakhtiar, *Parliamentary Politics in Revolutionary Iran*, P.64.

words, it only made electoral success for smaller groups more unachievable than ever.[12]

Even in the first round of elections which was held on 14 March 1980 with around 2,500 candidates, we can trace back different attempts by the clerical hierarchy to dominate the process.[13] Like other election ceremonies—whether before or after it—Ayatollah Khomeini exhorted the public to participate in the elections. However, there were various accounts of how the election was conducted, such as illiterate voters being accompanied into the voting booth and attempts being made to alter the geographical dimensions of the districts in order to change the balance of the electorate. In addition, as much as the election law specifically prohibited endorsements on the television and radio, fundamentalist clerics exploited the Friday Prayer sermons—which were broadcast live on the radio—simply to endorse the Islamist candidates. More importantly, Ayatollah Khomeini himself asked the public not to vote for "those who are ideologically and morally corrupt" and urged the masses "to elect those who are one hundred per cent Muslim, and are committed to implementing the Islamic principles".[14]

From the beginning, the political direction of the Majlis was considerably in favour of the Islamic Republic Party (IRP) and its advocates. They had 131 seats that included clerics, technocrats, and elements from the Bazaar. The prominent members of the IRP were now in the Majlis: Hashemi-Rafsanjani, Ali Khamenei, Hassan Ayat, Hassan Habibi and Hadi Qaffari. Also, among the IRP deputies, sixty per cent were clerics.[15] The other seats were taken by a group of approximately sixty-five deputies who were not officially attached to any party but were held together by their opposition to the monopolisation of power by the clerics. This group of delegates were mainly comprised of advocates of the "Iran Freedom Movement" (IFM) and "the Liberation Movement of the People of Iran (JAMA).[16]

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[12] A sign of populism in a democratic shell
[13] *Ettela'at*, 16 March 1980.
[14] Bakhtiar, *Parliamentary Politics in Revolutionary Iran*, p.68.
[15] Bakhtiar, *Parliamentary*, p. 68.
[16] Junbish-i Azadi Mellat Iran (JAMA) that was known as the Islamic liberals.

4.2.1. FACTIONAL OR PARTY POLITICS IN THE ISLAMIC REPUBLIC

The result of the first general election for the Majlis showed that the diversity of the electorate in a relatively free situation could result in a non-monolithic parliament. In other words, because of a variety of candidates who competed in the election, the votes were divided between different kinds of candidates. It is argued that this alarmed the ruling clerics, as they saw the Majlis as platform giving non-Islamic ideas a chance to be heard and also possibly to become law.[17] Such a fear caused them to take a series of pre-emptive measures excluding in particulars non-believers in the ideology of *wilayat al-faqih* as the main criterion. It occurred, of course, when the power structure in the Islamic Republic was not yet concentrated in the hands of clerical class. Still, other participants in the revolution had their right and ability to make their case or even gain parliamentary seats. In this light, the Islamists implicitly welcomed any attempt to radicalize the political atmosphere of Iran, in order to preserve their populist approach—a very efficient way to mobilise the masses. However, the impatience of some rival groups and their resorting to military opposition directed the Islamists to imply more restrictions and suppress any other voice.[18]

In the run up to the First Majlis election, Ayatollah Khomeini's advocates decided to set up a political party named as "the Islamic Republic Party" to stand for parliamentary election. The IRP was established in February 1979 by the clerics who had been students of Ayatollah Khomeini before his exile from the country in 1964. They quickly developed the IRP through their fellow clerics across the country. The IRP's founders started to build up their contact networks through mosques and traditional merchants across the country which very soon appeared as the country's dominant political force.[19] Core members included Ayatollahs: Beheshti, Abdul-Karim Musavi-Ardabili, and Muhammad Reza Mahdavi-Kani and Hujjat al-Islam: Khamenei, Rafsanjani, and Bahonar. All had been active in mobilizing large crowds for the mass demonstrations during the Revolution.

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[17] Amjad, *Iran From Royal Dictatorship to Theocracy*, quoted from translation in Persian, Tehran, Baz Publication, p. 229.
[18] For instance, the use of paramilitary methods by the MKO.
[19] Amjad, ibid, p.217.

While it is generally assumed that the political structure of the Islamic Republic is a kind of hybrid democracy in which a series of democratic procedures are fitted, it is worthwhile to scrutinize its factional rivalry and find out whether these provisions can produce critical politics. The election of Second Majlis began in 1983 with a strong intention on the part of the Islamists to monopolise the result. The political manoeuvre to reach this aim was to bar potential candidates from running unless their loyalty to the ruling class was proven. This wave was started by an editorial in the IRP's newspaper *Jumhuri Islami* (Islamic Republic). The editorial stated that "our enemies are well aware that if the Imam's followers unite and, as the Imam has said purify our goals and intentions and hold elections for the sake of Islam, then no plot can ever threaten the Islamic Republic. We will look into the nature of the candidates and their character as well as the mode of their selections."[20]

This statement was an indication of a campaign by the Islamists to draft a new law on the procedure of the elections. The motion consisted of 89 articles. An overall glance indicates that the new proposal was not very much different from the existing law which was passed by the Revolutionary Council four years before. The similarities are: elections would be held on direct, general and secret voting; there would be a two-round process; and the number of districts would stay the same. However, by the time that the Majlis had completed its cumbersome process of voting on each article, several changes appeared in the final document.[21] The ordinary changes were, for example, reducing the voting age from sixteen years old to fifteen, or increasing the minimum age for a candidate from twenty-five to twenty-six. The main reason behind this legislation was to establish a robust supervisory provision to monitor who and under what condition they would be eligible to enter the Majlis.

More importantly, the new law drew a set of political and ideological qualifications for the candidates who wished to participate in the forthcoming elections. To be eligible, a candidate had to have a spiritual as well as

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[20] *Jumhuri Islami*, Tehran, 29 October 1984.
[21] Bakhtiar, *Parliamentary Politics in the Revolutionary Iran*, p. 109.

revolutionary commitment to Islam, and provide 'evidence' as to his loyalty to the Islamic Republic. Second he must have "total loyalty to the Great Leader Imam Khomeini and the institution of *faqih's* rule (*wilayat al-faqih*)". The necessity of "loyalty to *faqih*" indicates that both factions (Islamic leftist and Islamic right-wing) had decided to exclude the 'outsider' candidates (liberals), most notably from the Iran Freedom Movement (IFM). It is noteworthy that despite differences among the Islamists, they restricted the competition to those who belonged to the "inner circle" of the regime's supporter (advocates of *wilayat al-faqih's* theory).

Ironically, it was the Guardian Council which amended some of the proposed articles in favour of expanding the individual's right to register as a candidate. For instance, the draft of Article 32 broadly stated "anyone who held a political, or administrative position during the Shah's regime, will not be eligible". The Council changed the article to apply only to an individual who had been involved as an "active and significant player" in the former regime.[22] The Guardian Council also completely rejected Article 30 of the draft, stating that candidates could run in the regions in which they were born or in which they had resided for only six months prior to the elections.

It is therefore evident that the Guardian Council initially did not intend to perform as pervasively as it decided to do so from 1991 to the present. During the first decade of the Islamic Republic the Guardian Council was supposed to supervise and monitor the process of elections conducted by the Interior Ministry, but in 1991 the Guardian Council interpreted its right to monitor the elections more extensively and assigned thousands of operative agents to participate in the conduction of the elections. The new method (probationary supervision) caused uproar within the political factions, in particular with the Islamic leftists.

The second Majlis, like its predecessor, was divided between *maktabis* and *Hujjatis,* with no absolute majority over each other. Both divisions strongly

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[22] Ibid, p.110.

believed in the implementation of Islamic laws as precisely as it *is*, because that is believed to be 'the only true way of ruling on the Earth'. *Maktabi* in essence means a person with a deep belief in the implementation of Islamic principles, and *Hujjati* describes a person whose only wish is 'the appearance of the Hidden Imam to undertake his promised rule all over the human beings across the globe'.[23] In fact, it was a real array of political figures within the Islamic regime which consisted of devoted Muslims with a political goal. Yet most analysts tend to categorise them as fundamentals and conservatives or even label them very loosely as leftist and right-wing within the classical context. This division cannot be viewed as in other political or ideological divisions in parliamentary politics.

Thus, viewing the second Majlis in the context of classical right-left political frameworks seems nonsensical. In other words, it is a pure simplification to consider the second Majlis as composed of different political groups in the classical context as both are about the 'same divine cause' against all other present socio-political concepts. Hence, having a new established political order with the running parliament and government, the ruling clerics eventually admitted the existence of the two major factions. Rafsanjani was one of the first high-ranking officials of the regime who mentioned the existence of two factions by saying: "In the country, we have two factions, one supports government interference in the economic affairs, such as nationalisation measures, the other support the private sector".[24]

To a certain extent, this statement distinguished between the Islamist forces composing the whole system in terms of economic related issues, yet it was rather loose and inaccurate in political terms. However, again it should be emphasized that this kind of differentiation or duality in political forces within the Islamic regime does not imply an open-ended circulation of political elites throughout the society. The imposition of an absurd proviso for any political activists wishing to participate in the election is the proof of his/her loyalty to the concept of *wilayat al-faqih.*

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[23] *Iran Political Culture in the Islamic Republic*, (ed) Samih K. Farsoun and Mehrdad Mashayekhi, London, Routledge, 1992, p.78.
[24] *Tehran Times*, 25 July 1986.

The political equilibrium of the 1980's was geared with the emergence of Islamic left holding majority in both Majlis and government. Ayatollah Khomeini's persistent emphasis on the "downtrodden people" and the urgent need to fairly redistribute the economic resources underpinned the power of the Islamic left. This phenomenon of the Social-Islamists was in clear contrast with the traditional-Islamists who were rooted in the traditional style of the merchant class. The traditional Bazaar, a group of merchants whose main activities were wholesale brokers of goods, saw the government and Majlis's economic policies as a threat to their market-oriented policies and interests. Since the country was at war, it was illogical for investors to capitalise their cash to make profits. Thus, the only secure way to make business was to buy goods and then sell them.

However, in addition to the heavy burden of financing the war, the government had to import necessary public goods which due to the imbalance of supply and demand became capital goods, and thus merchants could make huge profit. To tackle this, the government decided to implement restrictive economic and financial policies to prevent the private sector from economic interference during the war-time situation.[25]

The economically left-oriented government of Prime Minister Musavi was well capable of designing these measures with the strong support of Ayatollah Khomeini. Thus, the last resort for the merchants was to lobby their issues through the parliamentary factions and appeal to the right-wing Islamist MPs. The immediate reaction by the MPs was to block the policies taken by the government to increase its role in the economic and financial sector.[26] The government argued that the country was at war and they must undertake necessary actions to provide enough resources to support the war. The opposite faction argued that these measures were firstly against Shari'a law, and

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[25] Shahram Chubin and Charles Tripp, *Iran and Iraq at War*, Boulder, Westview, 1988, p.125.
[26] Ahmad Ashraf, "Bazaar-Mosque Alliance: The Social Basis of Revolts and Revolution" in *International Journal of Politics, Culture and Society*, no.1, Summer 1988, p.564.

secondly, harmful for the economy since weakening the private sector would deteriorate the economy and the country over all.[27]

The collision between the Bazaar and state dominated Iranian politics for the first decade. The government sought to expand its leverage and influence in both decision-making process and implementation and also trading and retailing. On the other hand, the Majlis acted as the proxy of the Bazaari's old-established interest and role. Of course, the Bazaari's stance on state-sponsored economy was backed by Islamic jurisprudence. This confrontation demonstrated that the outright equation of the implementation of Islam with all-pervasive state is not a general rule in politics. That is because, Islamic norms of economy are in greater congruency with democratic systems, rather than with authoritarian ones.

The main ground for a battle against nanny state implementation of economic policies was the Majlis and its tool of exercising the right of questioning and summoning the ministers. However, during the First Majlis, Musavi's cabinet was known as a coalition cabinet comprising of both right and left Islamists. Hence, he was not entirely satisfied with some of his ministers. He saw the inauguration of the Second Majlis as an opportunity to reshuffle his cabinet and replaced a handful of ministers. He introduced a new list of ministers to obtain the vote of confidence to the Majlis. After two days of discordant debates, Musavi's proposed cabinet suffered a severe setback when five of its members failed to gain the support of the Majlis. The result was surprising in the way the Majlis treated Musavi's nominees, particularly in light of the assumption that his supporters were in the majority. Therefore, as we discussed, even the most Islamist Majlis could challenge the Islamist government backed by Ayatollah Khomeini and utilised its legislative prerogatives to halt governments monopolising expansion.

The Third Majlis was inaugurated on 31 May 1988. In the election for the influential Presiding Board, 9 out of 12 voted in favour of the radicals. Certainly,

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[27] For more info see Firouzeh Khala'tbari, 'Iran: A Unique Underground Economy' in *The Economy of the Islamic Republic: Between State and Market*, (ed), Thierry Coville, Tehran, Institut Francais de Recherche en Iran, 1994.

Musavi was delighted with the result and passionately insisted on his radical plans to promote social justice and more government control on prices and inflation. He placed emphasis on activating Article 49 of the constitution which gives the government (state) the authority to confiscate "the wealth, accumulated through usury, usurpation, bribery embezzlement, and misappropriation."[28] His strong speech won him 204 votes out of 217 in favour of his cabinet.[29]

However, the course of ensuing events was so much not in accord with the prosperity of the radicals as they expected with the achieved victory of the general election. The country was unable to cope with the mounting warfare expenditure while there was no predictable point of concluding the war. Eventually, Ayatollah Khomeini declared that Iran accepted Resolution 598 issued by the Security Council of the United Nations to implement a cease fire. Yet the disagreement between the President and the Prime Minister continued to affect the efficiency of the government. The Musavi government and Majlis were faced with a theoretical vacuum which had drastically paralyzed their public appeal. In other words, the end of the war was perceived as an unavoidable sign for relinquishing the radical policies and therefore radical politicians.

In the meantime, the proposal of amending the constitution by Rafsanjani and President Khamenei had been approved by Ayatollah Khomeini. The key point of this amendment was to abolish the post of prime minister and concentrate all his powers into the hands of president, so that the president would no longer be a formal post but the head of the executive branch.[30] Although the radicals rigorously tried to preserve the premiership they were defeated by the council assigned to draft the amendment. Of course, the Rafsanjani-Khamenei axe played an essential part in blocking the radicals' pressures with emphasising the eminent need to re-construct the country for a new post-war era. Although the third Majlis was in effect paralysed and unable to change the course of events they made their feelings clear. By appointing Ayatollah Khamenei as the

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[28] *Kayhan*, 1 April, 1988.
[29] Ibid.
[30] Daryush Zahedi, *The Iranian Revolution Then and Now, indicators of Regime Instability*, Boulder, Westview Press, 2000, p.159.

Supreme Leader after demise of Ayatollah Khomeini, Rafsanjani was preparing to run for the presidency campaign. Former Premier Musavi, an enthusiastic follower of the Islamic left, decided to leave politics and Mahdi Karrubi, the Deputy Speaker, became the Speaker.

However, the factional attitude and poor performance of the Islamic left (radicals) during the Third Majlis was the main cause for their absolute defeat in the Fourth Majlis. Their verdicts on foreign policy issues like the Arab-Israeli conflict, the Salman Rushdi Fatwa, rapprochement with the West or even implementation of détente policy with regional neighbours were badly suited to the new period which Iranians were experiencing. The radical deputies had no hesitation in embarrassing the new government in its pursuit for relatively moderate and rational policies. For example, the radicals organised an international conference about the Palestinians' uprising and ways to support it more effectively.[31] It was planned to coincidence with the Madrid peace negotiations in which all parties hoped to achieve a tangible result. They also proposed in the Majlis that troops be sent to defend the Iraqis against the Americans during the first Persian Gulf War.

4.2.2. THE BACKGROUND OF THE MAIN POLITICAL PARTIES

Article 26 of Iran's Constitution allows the formation of parties, societies, political or professional associations and Islamic or other religious societies of recognized minorities. The law on the activities of parties and political groups was approved in Iran in 1981 by the Islamic Consultative Assembly (Majlis) but its enforcement was postponed until the year 1989.[32] Before the inauguration of President Muhammad Khatami in 1997, some 39 parties, political societies and associations received permits from the "Article 10 Commission of the Interior Ministry". By January 2000, the number rose to 103.[33] Thus, during the 28

[31] *Kayhan*, 31 October 1991.
[32] End of Iraq-Iran War.
[33] *A'sr-i Ma*, 15 February 2000.

month operation of President Khatami's administration, 64 new parties and groups were granted operation permits. According to Article 10 of the Parties Law, a commission comprising representatives of the State Prosecutor General, the Judiciary, the Interior Ministry and two Majlis deputies were delegated with the responsibility of issuing operation permits for parties and supervising over them.

The Committee has only permitted loyal or indigenous political and religious groups to be established and operate publicly. Not surprisingly, the majority of allowed groups are considered as conservatives and the minority belongs to the Islamic left. Notably the main conservative parties are: The Association of Combatant Clergy (*Jami'ah Rawhaniyat-i Mubariz*), the Association of Islamic Coalition (*Jami'yat-i Mu'talifa Islami*), the Islamic Association of Engineering (*Jami'ah Islami Muhandisin*), and the Association of Ziynab (*Jami'ah Ziynab*) whose members are exclusively for females.[34] The main Islamic left groups are: The Association of Militant Clergy (*Majma'-i Rawhaniyun-i Mubariz*), and the Organization of Islamic Revolution Militant (*Mujahidin-i Inqalab-i Islami*).

Therefore, due to the alteration of the political array in the aftermath of Fifth Majlis, a new series of political groupings emerged. In other words, the routine classification in political factions was no longer suitable to accommodate new trends of politics within the public sphere and inevitably caused a series of breakdown and coalitions. In particular, the formation of the Executives of Construction Party (*Hezb-i Karguzaran-i Sazandagi*) in 1996 and the Islamic Participation Party (*Hezb-i Musharakat Iran*) in 1998 nurtured such a development.[35] However, before discussing the materialization of new political factions, we need to address the original classification of the allowed political parties in the Islamic Republic.[36]

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[34] The *Association of Ziynab* is run by religious women and its target group is also women.
[35] Saed Barzin, *Jenah Bandi Siyasi dar Iran: az dahiyyih 1360 ta 2nd Khurdad 1376* [Political Factions in Iran, from 1981 until May 1997], Tehran, Nashr-i Markaz, 1377 [1998], p.88-100.
[36] An executive background of allowed political parties is stated in Appendix 2.

Considering the new socio-economic circumstances of the post war period, the policies by which the Islamic left was identified lost their appeal and were no longer plausible in the society. In the mean time, their insistence on keeping up the same policies caused them to be known as radicals. Equally, the Islamic right gained from public resentment towards the leftist agenda for the post war period and built up its reputation as the moderate faction (conservative). Hence, by the time of the Third Majlis the political rivalry had reached its climax, but was still under the control of key players. Rafsanjani, the Speaker of the Majlis who had maintained his position through the Iran-Contra affair, became more cautious about factional conflict within the Majlis. He elaborately positioned himself at the centre of political trends inside the Islamic Republic and secured his substantial weight in decision-making.

In fact, his role was directly approved by Ayatollah Khomeini. Also, his negotiable character and attitude made him a pragmatist and this was a key point in the formation of a moderate faction within the regime. When the secret arms deals of Iran with the United States were revealed in a Syrian-backed Lebanese newspaper, Rafsanjani had no choice other than to publicly confirm this, since he was the main negotiator. [37] Apart from a series of investigations and condemnations which struck President Reagan's administration, it nearly cost Rafsanjani's job as the Speaker of the Majlis. Oddly, he was the highest ranking Iranian official who paved the ground for negotiation with a delegation of Americans over the buying of weapons in Tehran.[38] The mystery was more synchronized in the fact that the US government was habitually being denounced by Iranian leaders as their first and utmost enemy.

This revelation so outraged the Majlis that eight deputies wrote a letter to the Foreign Minister to question the facts of the event.[39] It put Rafsanjani in a dangerous position. Surprisingly, the innovation had the support of both factions,

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[37] Weekly *Al-Shira'*, Lebanon, 6 November 1986.
[38] He was agent McFarlane.
[39] *Kayhan*, 21 November 1986.

bringing down Rafsanjani's leverage over the Majlis. Bakhtiar believes that it was precisely to prevent this that Ayatollah Khomeini broke his silence over the Iran-Contra affair. Again, in a public speech, Khomeini expressed his satisfaction with the performance of the Majlis speaker, and at the same time threatened those who criticised Rafsanjani.[40] As far as Rafsanjani was concerned, Ayatollah Khomeini's 'go ahead' was enough. Typically, after Ayatollah Khomeini's declaration in which he praised Rafsanjani, the mood in the Majlis suddenly changed. Almost all the deputies who had the opportunity to express their pre-agenda speech condemned the authors of the letter and accused them of "causing rifts in the Islamic Republic".[41] Revising this even assists us to understand the limits and boundaries in which the Majlis can operate. We will mention another direct intervention of the Supreme Leader in the exercise of parliamentary right in the Sixth Majlis later in this chapter.

4.4. THE DOMINANCE OF CONSERVATISM AGAINST LEFTISTS (RADICALS)

The prospect of the Fourth elections was accompanied with widespread fear amongst the leftists (radicals) regarding their political fate. As the election approached, the conservatives demanded that the Guardian Council interpret Article 99 of the constitution in a broad context of judging a candidate's eligibility, including ideological views. It was not a new proposal, enabling the Guardian Council to launch a restrictive vetting process, as they had done on the Tudeh Party in 1983 or the IFM. But they needed an extra authority to rule out any candidate unfitted to their opinions. It was a necessary measure by the conservatives to exclude the old rival (the Islamic left) from competing in a general election. The Guardian Council declared its interpretation of Article 99 which concerns the Council's role in supervising the general elections. The new reading was called the 'Probation Supervisory act' (*nizarat-i istisvabi).*

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[40] Late November 1986.
[41] Amjad, *az Dictatori Saltanati ta Din Salari*, p.245.

The Rafsanjani's government, which called itself the 'Construction Government', had to undertake the Fourth Majlis election. The Islamic right-wing or conservatives gathered under the banner of the 'Association of Combatant Clergy' and the Islamic left introduced the newly established 'Association of Militant Clergymen' as its political brand. The new Interior Minister Abdullah Nuri belonged to the centre-left and had to cooperate with the Guardian Council. For the first time in the Islamic Republic the 'probation supervisory act' was implemented. The new measure angered almost all the independent or leftist candidates as their chance to be approved by the Guardian Council was no longer based on certain legal check points, but entirely depended on the Council's decision.[42] The outrageous result was that the Council did not see any necessity to explain or even to prove its argument in disapproving any candidates. Mohtashami-pur, the former Interior Minister and a prominent radical, denounced this development by saying:

> In the past, our faction was ostracized for its unquestioned commitment to the revolutionary philosophy of the *wali faqih* [Khomeini]; now the same people are attacking us for our infidelity to the *wali faqih* and his chosen successor [Khamenei]. These people (the conservatives and in particular the jurists of the Guardian Council) who call for absolute fidelity to the Supreme Leader are the same people who were and continue to oppose the concept of a *wilayat faqih*. Now they use this as a bayonet against the revolutionary and committed forces….it is clear as daylight to me that these people are doing what the wicked strategies of America and its European allies want. [43]

In the middle of the vetting process in which the Guardian Council was under pressure for its unfair and biased attitude towards applicants, Ayatollah Khamenei, the Supreme Leader met with the members of the central committee

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[42] *Rah-i Tudeh*, Vol.II, No.215, April 1992.
[43] Mohtashami-pur, in an interview with Asghar Schirazi, *The Constitution of Iran*, London, Tauris, 1997, p.192.

of the Guardian Council. His comments clearly confirmed his political tendency in favour of the conservatives and praised the affirmative approach of the Guardian Council as watchdog. He said: "the durability of the Islamic system depends on conformity to its laws and regulations. No corrupt person should be allowed to enter an institution that has the function of legislations....the criteria for judging the eligibility of candidates must include practices of moral, economic and political corruption".[44] With this statement, Ayatollah Khamenei clearly exposed his ideological preference in the factional infighting and bridged his opinion with President Rafsanjani's.

According to the Interior Ministry 3015 candidates had filed applications for candidacy by end of March 1992. About 35 per cent (1060) were rejected by the Guardian Council. The rejection even included prominent figures with an outstanding history of being revolutionary and repeatedly praised by Ayatollah Khomeini, such the Deputy Speaker Asadollah Bayat and Sadiq Khalkhali (the revolutionary judge appointed by Ayatollah Khomeini). With all the precautions employed by the conservatives, the result was a landslide victory for them. Out of 130 elected in the first round, 81 had been on the list of the Society of Combatant Clergy, 20 on the list of the Association of Militant Clergymen, and the rest presumably independent. The new Majlis was inaugurated in late May 1992 and promptly elected Ali Akbar Nateq Nuri as its speaker by a vote of 191 out of 230.[45] Hassan Rawhani became the first Deputy Speaker with 200 votes. Even Karrubi, the former speaker, and Mohtashami-pur lost their seats and which signalled a dramatic shift in the polity.

By now it was perceived that the victory of the conservatives in obtaining the absolute majority in the Majlis alongside a technocrat government led by Rafsanjani could bring about the long awaited stability and progress for the country. Now both executive and legislative bodies acted in a single direction and there were no more excuses for the impotence of the Islamic Republic. Rafsanjani, who was elected in the 1989 election and remained popular since then, repeatedly demanded a more cooperative Majlis to enable him to carry on

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[44] *Resalat*, 12 March 1992
[45] *Iran Times*, 29 May 1992.

the reconstruction projects. However, the official gesture still was not to recognise the division within the political atmosphere. The new Majlis Speaker, Nateq Nuri, stated: "I d o not believe in the divisions known as the left and right. We must try to solve such problems in society. We have a leader and our guidelines should be instructions by the leader. Of course, our tastes might differ, but is should not mean clashing and rudeness in society."[46]

Interestingly, the close and sympathetic relation between Rafsanjani's government and the Fourth Majlis was merely an opportunistic political alliance. In other words, they remained deeply divided on socio-economic issues. Although the majority of the deputies who obviously belonged to the conservative camp owed their victory to the fact that they were supporters of Rafsanjani, their constituencies' interests were in clear contrast with the task Rafsanjani's government had planned to undertake. While the main task of Rafsanjani was to pursue economic growth and development through a series of modernising projects, the traditional mercantile class felt most vulnerable against this new wave of change. In short, the process of privatisation and cutting the huge amount of subsidises which was draining the national budget were the main priorities of the government. The former underpinned the emergence of a new Iranian middle class after the revolution known as the Islamic bourgeoisie. The latter caused a sharp increase in prices goods and services and also foreign currencies which angered the lower class.

As a result, the conservatives won the election and gained the fourth Majlis with the key slogan of 'supporting Hashemi Rafsanjani', but they soon realised a range of conflicts of interest with 'the construction government'. They had to choose whether to advocate the socio-economic development plans introduced and projected by Rafsanjani's government with all the costs it would bear on them, or to oppose them as conservatives whose real interests in preserving the socio-economic *status quo*. Consequently, this paradox appeared as an imminent breakthrough for the conservative camp. But strong political and economic links with the government prevented a heavy backlash. Moreover, the differences on

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[46] *Salam*, 4 June 1992.

the economic perspective literally brought about an ideological inconsistency in the conservative faction. Thus, it was divided into two sub-factions of modern-right (*rast-i modern*) and the traditional-right (*rast-i sunnati*). The government practically represented the modern-right while the Majlis was known as the traditional-right.[47]

The reaction of the conservatives to the rapid socio-economic changes was rather harsh, compared to the Islamic leftists (radicals). The conservatives began to speak of the "Western cultural onslaught" through spreading corruption and obscenity, ridiculing sacred Islamic terminology, sanctities and divine traditions, propagating debauchery and raunchiness in the Islamic society of Iran.[48] The scale of attack on the performance of the government went far beyond and caused the Islamic Guidance Minister, Muhammad Khatami, to resign. Unquestionably, such a set back against the government could not have happened without Ayatollah Khamenei's concession (the Supreme Leader). In fact, he himself had theorised the ethos of the Western cultural onslaught. Prior to Khatami's resignation, Ayatollah Khamenei stated in a public speech: "the enemy's cultural attack is a cultural night raid, a cultural act of plunder, a cultural massacre". He made it clear that he considered the United States "the main propagator of corruption that materialised the culture raid at Iran".[49] Immediately after this speech, a large number of the deputies in the Majlis signed a letter to Khamenei expressing their full support. Three days later, Khatami submitted his resignation.

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[47] *A'sr-i Ma*, 16 January 1996.
[48] *Resalat*, interview with Nateq Nuri, February 1993.
[49] *Tehran Times*, 24 July 1992.

The rift within the conservative camp over the economic development mounted to its highest level during the last months of Fourth Majlis so that the key proposals initiated by the government, including the legalisation and protection of foreign investments were blocked. For example, just weeks after the submission of the bill concerning foreign investment, Mohsen Nurbakhsh, a technocrat Finance Minister stated in an interview that the government no longer had any restriction on foreign investments in the country. Consequently, the government submitted a bill to the Majlis to clarify Article 81 of the constitution regarding the limits of foreign investments.[50] Not surprisingly in Iranian politics, the motion was halted in the Majlis in the name of national independence and preserving Islamic values. Nateq Nuri, as the Speaker, stipulated that the Majlis would not approve any bill that allowed American companies to invest in Iran: "any rapprochement between America and the Islamic Republic is out of question, and we will not permit American companies to invest in Iran".[51]

Therefore, the cultural invasion propaganda which shaped the political balance between Rafsanjani's government and the Fourth Majlis seemed to be a cover for the original dispute about economic issues. It became apparent that the majority of deputies were against government's annual budget in proposing several amendments to them. For example, the Majlis passed the 1994 budget by cutting $1.6 billion from it and stood against normalising the energy prices.[52] Surprisingly for the conservative faction, all these economic modifications and also any disagreement to the government's plans were attributed to the fact that the Majlis stood to protect the poor people, whereas their factual cause had always been to protect the monopoly of the traditional mercantile class. However, in the field of institutional functions, the most considerable action played by the Fourth Majlis apparently to fulfil its parliamentary role was to launch a public enquiry into the performance of the Islamic Republic of Iran's Broadcasting (IRIB).

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[50] Schirazi, *The Constitution of Iran*, p. 227.
[51] *Resalat*, 9 June 1992.
[52] *Kayhan*, 26 February 1994.

The inquiry ended with a strong criticism of the management of the IRIB. The Head of the IRIB was Rafsanjani's brother and after serving for about twelve years in that post he was forced to resign. The Fourth Majlis elaborately attempted to limit the influence of Rafsanjani and sided with Ayatollah Khamenei who by now had established his authority in the government, the Majlis and more, importantly, the armed forces. The prospect of the forthcoming Fifth Majlis election for the advocates of Rafsanjani's government (moderate conservatives or moderate-right MPs) had the same implication (survival) as for the Islamic left in the run up to the Fourth Majlis.

In the meantime, the Islamic left experienced a hard defeat not only before the conservatives but also in the eyes of the public. As a result, they launched a drastic revision in their socio-political stand.[53] Perhaps, for the Islamic leftists, being out of power meant as an opportunity to reconsider their dogmatic understanding of governance and spontaneously changed their manifesto to become known as the modern left. On the other hand, the contingency of repeating the same treatment used for vetting process of the Fourth Majlis for the Fifth Majlis alarmed the technocrats in the government and, with the hindsight of Rafsanjani's go-ahead, they created the Party of *Karguzaran Sazandagi* (the Executives of the Construction). The result was an interesting alliance between the new moderate left and the moderate right which probably could only happen in an ambiguous political structure like the Islamic Republic of Iran. By now an unprecedented political array within the framework of the Islamic Republic had emerged which automatically masterminded further alteration and paved the way for the introduction of a so-called reform movement. Thus, before discussing the role of political parties in the configuration of future events in the following section we illustrate a summarized background of the main parties in the Islamic Republic.

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[53] For example, many of its cadre had enrolled in University courses after leaving office, and now had greater expertise and intellectual influence.

4.5. THE EMERGENCE OF REFORMIST PARLIAMENTARY POLITICS

The parliamentary election of the Fifth Majlis which still had 270 seats was held on March 8 1996. The Guardian Council disqualified without explanation approximately 30 per cent of the 5,359 candidates who wished to compete in the election.[54] Also, assuming the correctness of official statistics, the overall 40 per cent of voters did not participate. This was relatively about the same rate of nationwide turn-out in the Fourth general election in 1992. In the first round, only 139 candidates received the majority needed to win a seat, and more than 50 per cent of incumbents lost in this round. Traditionally, Tehran's result is seen as an indicator of the whole Majlis characterization. In Tehran, where 400 candidates competed for 30 seats, the conservative Nateq Nuri and Fae'zeh Rafsanjani, Rafsanjani's daughter and a moderate, received the most votes, and other 28 seats were left to be decided in the second round.[55] However, many speculations sparked as the Guardian Council deliberately declared Nateq's vote higher than her competitor in order to avoid an outbreak of humiliation on the clerical legitimacy and popularity.

On April 19 1996 the second round was held to decide another 117 remaining seats. The results for 14 seats were declared void by the Guardian Council due to electoral complications, and elections for most of these seats occurred the following autumn. Only 50 clerics were elected to the Fifth Majlis, consistent with the steady decline of clerical representation in the body, which included 137 clerics in the First Majlis and about half that in the Fourth Majlis. First-time members represented 61 percent of the new Majlis, which also consisted of 10 women.[56] After different figures were declared by the Interior Ministry and the Guardian Council, as far as the actual number of people who voted in Tehran during the first round of the elections, the final count for the capital was announced as 1,971,748. The Guardian Council had previously put the figure as high as 2.3 million for Tehran. The table below shows the variance of the

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[54] < www.moi.ir/fifth> (the Interior Ministry official website).
[55] Ibid.
[56] <www.moi.ir/election>

number of people who participated in the election of Tehran's constituency in parliamentary elections:[57]

First Majlis	2,398,868 votes	%61.13
Second Majlis	2,791,176 votes	%60.34
Third Majlis	2,356,837 votes	%43.23
Fourth Majlis	2,528,855 votes	%39.35
Fifth Majlis	4,083,083votes	%55.74

Table 2: The Statistics of Tehran's Constituencies Turn out

The Speaker of the Fourth Majlis, Ali Nateq Nuri, who by now had become the most prominent figure in the conservative faction, led a coalition of all groups and guilds under the flag of the Association of Combatant Clergy. Throughout the country they endorsed 170 affiliated candidates, while their main competitor in this election was the "Executives for Construction Party". As mentioned before, the new group had a very sympathetic relation to President Rafsanjani. It was revealed that during one inner-circle meeting of the Association of the Combatant Clergy (ACC) to draft Tehran's 30 candidates, Rafsanjani demanded to include five candidates on the ACC's final list, a demand which was later rejected by the conservative clergies. This rejection caused Rafsanjani to allow his administration to enter the competition independently. The result of the enterprise by the ECP was 16 exclusive candidates alongside a dozen joint conservative-ECP candidates from the original list of conservatives to make a 30-candidate list for Tehran.[58]

Both moderate (moderate right) and radical conservatives (radical right) claimed a 70 per cent majority after the first round of elections as both sides claimed the independent elected candidates as their supporters. However, the accurate political weight of each was measured in June when the radical conservative,

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[57] Ibid.
[58] Barzin, *Political factions in Iran*, p. 89.

Nateq Nuri defeated his rival Abdullah Nuri, nominated by moderates, with 132 to 105 as temporary Head of the Presiding Board, a victory confirmed three days later by a 146-92 vote. Ten of the twelve leadership positions of the Majlis went to deputies from Tehran, even though the Tehran province elected just 30 of the 270 Majlis deputies. Clerics took half of the twelve leadership positions (Speaker, two Deputy Speakers, three commissioners, six secretaries), while four non-clerical hard-liners also won positions.[59]

The victory of the radical right in Tehran was decisive, despite some initial misconceptions about the overall result nationwide. However, it gradually became more obvious that the traditional (radical)-right faction had also won the majority in the rest of the country as well. The reason for such a misconception was mostly due to the list overlap of many successful candidates, whose names were on both lists. Furthermore, many of the provincial deputies could be nominally on the ECP's list but could easily change their line. After a month that the new Majlis had been meeting, the picture became much clearer. In addition to Nateq Nuri who was elected as the Speaker, of the twelve members of the Majlis presiding board, eleven went to the radical conservatives and the twelfth was an independent deputy. Not a single position went to anyone remotely identifiable with the moderate faction.

The Rafsanjani's camp of moderate conservatives was seemingly weaker than it appeared at first glance. It was a loose coalition of differing views, while the radical conservatives were more united. More importantly, the rivals of the moderates had full control over the vital Council of Guardians, which had to ratify all election procedures and all legislations. The Council switched the winner in three districts, in each case from a moderate conservative to a radical conservative, and annulled the votes in 23 districts, 16 of which were won by the moderates, most of them women, and seven by candidates of unclear ideological tendency.[60] That is an exchange of 19 votes from the moderate camp, converting a narrow result into a solid conservative win for the radicals. The Council's

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[59] <www.moi.gov.ir/election>

[60] *Salam*, June 19 1996.

action was such deliberate vote-rigging that it sparked disturbances in two major cities, Isfahan and Tabriz.

As a matter of fact, the conservatives owed their win in the Fifth Majlis election to the implementation of the "Probation Law", by which a selective list of candidates were allowed to take part in the general election. It only furthered a patronized misunderstanding among the conservatives about their real public status. Thus, they showed reluctance to change their ultra-conservative attitudes on social policies. Nonetheless in most cases such policies remained intact and even became harder.[61] At this point, the most ossified pattern of power was in place and the internal political factions had failed to deliver the minimum of competency. As a result, debate over conceptual issues regained its prominence and influenced the populace. The new wave of Islamic intellectualism (Soroush, Shabestari, Aqajari, Kadivar, Eshkevari) began to criticise both the theory and the function of clerical rule. Their campaign simply aimed to purify Islamic thought from what has been interpreted and implemented by the clergy since the Islamic Revolution. A considerable number of university students sympathised with the new trend introduced by the afore-mentioned scholars and a new paradigm of intellectuality began to emerge, as discussed in the Chapter Two.

Obviously, such a development in the universities could not be tolerated by the conservatives and plans were drawn up to prevent the penetration of Western thought into the academic institutions of Iran, according to conservatives. The degree of anxiety inside the regime was so high that the Supreme Leader in his opening speech letter at the inauguration session of the Fifth Majlis stated: "The duty of the Majlis is, in the first instance, to stand against the demands of deviant Western liberalism."[62] Then he called for the Islamization of the universities, complaining that they are not Islamic today. This theme was followed with enthusiasm by Ayatollah Ahmad Jannati, who is known as an ultra-radical Islamist and secretary of the Guardian Council. He vigorously demanded the expulsion of the impious professors who poisoned the students against the

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[61] For example, the conservatives launched a project named as Islamisation of the universities, more restriction on dress code, even for men. Like the prohibition of wearing short sleeve shirts for men in universities.

[62] *Resalat*, 22 August 1996.

Islamic regime. It is also said that Jannati is the inspirational leader of a violent hard-line movement called the *Ansar-i Hezbollah* (Followers of the Party of God). While Jannati is the most outspoken, many other conservative leaders allude that they would not support Ansar's thuggish attacks.

All in all, the radical conservative coalition which intended to achieve complete domination failed to achieve its goals as a tiny but bold opposition emerged from the heart of the conservatives. At the same time, a progressing social dissent movement—based on Islamic intellectualism—gained further pace. The blossoming circle of religious intellectualism expanded in terms of subject area as well as the scope of advocates throughout the universities. The ideas proposed by this trend became known as reform in terms of socio-political issues and its supporters as reformists. Both moderate right and Islamic left which had experienced the exclusionary goals and policies of the core conservative faction—aimed at ousting other incumbents—saw the new religious intellectualism as the alternative for maintaining their influence within the political system.

For the moderate-right it was necessary to show its existence and differences with the radical conservatives and reach out to the broader social strata. Of course, such a new in-system alternative clashed with core Islamist factionalism, so that radical Islamists kept their upper hand in pressing more against any reformist opinion. However, the consequence of creating a new faction inside the conservatives turned out to be a costly decision for the moderates. Obviously, hardliners tried to offset the moderates support to shape a different political landscape by branding them alongside other non-Islamic groups. The sanctity of Ayatollah Khamenei for the hardliners and his political guidelines created a devoted uncritical faction who proudly claimed to be melting in the *wilayat al-faqih*. A group of veterans affiliated to the Revolutionary Guards established a kind of para-military group called *Ansar-i Hezbollah*. Their primary target was to be present at any venue when a secular or religious intellectual figure or a pro-reform activist planned to give a lecture or speech. They went far beyond political issues and even interfered with socio-cultural

events. They insulted any innovation in the social, political and economic grounds as a *liberal* action against Islamic values.[63]

The conservative dominated Fifth Majlis was rather indecisive which did not only lessen the division between the factions, but caused a new epoch of rivalry. With the hindsight of future events, the Fifth Majlis was a failure for the conservatives as it revealed their incompetence and inefficiency in working out a sustainable development plan.[64] On one hand, the inception of economic development had injected a vast sum of cash into the market while the political ground was so intense and unstable.[65] On the other hand, the speedy rate of inflation, accumulation of foreign debts and high levels of consumption caused the society to demand reform. Thus the focus was fixed on the presidential election in which the mainstream conservatives planned to elect Nateq Nuri as president. This would fulfil their long awaited task of creating an ideal Islamic state.

However, given the nature of the world politics from the beginning of the 1990s and the inception of the third wave of democratisation, Western observers veered to perceive the conservatives as more ideologist and fundamental than their fellow leftists who were previously known as radicals. Also, the critical discussion between EU and Iran on human rights and security issues helped to create a feeling that there are "listening ears" in Iran and they consisted of moderate right and leftists. The perception was that the out-of-power group, the left, and the moderate right which was a group on the edge of ousting from power could be categorised as a new moderate section of the Islamic Republic, even with the more fashionable title of *reformist*. The reason for such optimism was seemingly due to the implementation of easing some socio-economic policies which had been hitherto banned (e.g. advertisement, producing and selling a limited kind of music, allowing women to do sports under certain conditions). However, the major shift occurred in Iran's foreign policy which attempted to pursue a détente policy with its neighbours.

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[63] *Payam Imruz*, August-September 1996. p.35
[64] Ibid, p. 43.
[65] Ibid.

In the meantime, the strategic coalition between the moderate right (technocrats) and the Islamic left was maintained through *Salam* newspaper which found a reasonable public appeal. As said before, being out of power led some of the leftists to reconsider their dogmatic and out-dated opinions (Saeed Hajarian, Abbas Abdi, Asqarzadeh, etc) and formulate a more intellectual and youth-oriented approach under the title of the Islamic Intellectualism. Therefore, as much as the conservatives gradually commenced to undertake a strict Islamic approach, the opposite side tended to attribute itself to a more democratic discourse, even though the core elements of new faction had serious authoritarian commitments.

The performance of the Fifth Majlis could be seen as a mixture of political obstinacy with rapid socio-economic alteration. On one hand, Rafsanjani's government had been engaged with a serious economic development plan; on the other hand, the parliament turned out to be an ultra-conservative institution with many backward ideas and motions.[66] However, as far as the legislation process is concerned, the conservative dominated Majlis had no difficulty in passing any legislation as the approval of the Guardian Council was only a few steps away. In other words, both of these institutions shared the same aspirations and attitudes in almost all political, economic and social issues. It also was like the Fourth Majlis in that the intimacy of the Majlis and the Guardian Council reached the highest level since the establishment of the Islamic regime.

In short, the Fifth Majlis did not promote and protect people's socio-political rights directly, but with its conservative mandate created a widespread public dismay throughout the country. Notably, the passing of two significant laws by the Fifth Majlis caused great anger in public opinion and of course the rival faction took advantage of it to generate a comprehensive dislike of the conservatives. One law was a legislation to ban the use of satellite dishes after

[66] For example, Abbas Abbasi, deputy from Bandar Abbas, south of Iran, in a formal discussion on Iran's signing the Kyoto treaty asked "why do we need to join this treaty to protect the Ozone Layer? Whoever made a hole in it should pay to prepare it himself not us."

almost half of the population in Tehran had installed them. The second law was to amend the press law, which affected the liberty of newspapers under the law ratified by the Revolution Council in 1980. In addition, the Fifth Majlis attempted to impeach two key ministers from Khatami's cabinet. The first attempt, to sack Mohajerani from the Ministry of Culture failed, but the second attempt succeeded in toppling the reformist Interior Minister, Abdullah Nuri.

Nearly two months before the termination of the Fifth Majlis, it amended the Press Law in April 2000. It aimed to put more restrictions on the press. Following the amendment, some 20 reformist newspapers and journals were closed down by the judiciary on charges of violating Islamic values and defaming government officials. Consequently, a considerable number of reformist journalists were also tried and put into prison on similar charges. The whole event dominated the pre-election politics and almost all reformist candidates for the Sixth Majlis vowed to make new amendments to the Press Law upon their entry into the parliament.[67] Since the public mood was in sympathy with the banned newspapers and journalists, the advocacy of the reformists multiplied their popularity and guaranteed an easy electoral victory.

We may divide the Fifth Majlis's performance into two categories, the pre-presidency election of 1997 and the post-election period. Given the fact that the Speaker Nateq Nuri had planned to run for the presidency in 1997 with the obvious support of the Supreme Leader, the whole political spectrum in the country split into two major factions. One side was in favour of Nateq Nuri becoming president and other side did not want him to become president. The perception towards such pre-determination in the political arena caused a widespread feeling of resistance and gave momentum to its opponents. The politics of presidential election in 1997 proves that Khatami's candidacy came up as the last-ditch attempt by so-called reformist groups (moderate right and new-Islamic left). In fact, Khatami was convinced by these groups to nominate

[67] Such vows were repeatedly stated in the pre-election campaign either in the form of pamphlet statements or through interviews.

himself for the sake of saving a marginal but proven vote.[68] Thus, Khatami appeared as an alternative to produce a consensual vote of opposition to the conservative camp, although the ground for his victory had been laid by two factors: 1- Emergence of new Islamic intellectualism advocating pluralism, tolerance and compatibility with democratic norms. 2- Rafsanjani's economic development policies which paved the way for any political re-configuration.

The disenchanted public opinion became receptive for any possible or even odd coalition and cooperation to block the election of Nateq Nuri—as a symbol of Islamic totalitarianism—even without any existing plan or agenda offered by Khatami. That is why the so-called reformists after the Second-Khurdad (23rd May 1997) victory of Khatami were faced with a lack of programme, scheme and even target[69]. As interpreted by many, the landslide victory of Khatami in the presidential election was more an immense *No* to the conservatives rather than a *yes* to him and his team. However, Rafsanjani's advocates (the ECP party) were well organised and did not allow Supreme Leader Khamenei to dominate on election results. This facilitated Khatami's victory. Moreover, Rafsanjani personally supervised the election to prevent a highly predictable partiality in favour of Nateq Nuri.[70]

After Khatami's surprise election and during the two years proceeding to the Sixth Majlis general election, the political terrain witnessed a dramatic rise in political activities, reflected in the formation of new political organizations and also publications. This trend had been set out since the 1996 Majlis elections. The ECP represented the first revisionist and modernist deviation from the clerical establishment aiming of financial prosperity and technical progress.[71] Thus, it hugely contributed to create a public perception that the Islamic Republic allowed a sort of pluralism in government, albeit at a restricted level which still would filter out the secularists as political outsiders. In sum, that

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[68] It was hoped that Khatami would gain a maximum 7-8 million votes and accordingly the reform coalition could then work to increase it for next presidential election.
[69] Abbas,Abdi, *Islahat dar Islahat*, [reform in reform], Tehran, Tarh-i Naw, 1381[2002], p.68.
[70] See Rafsanjani's direct warning against rigging the election at his Friday Prayer speech a week before the election. *Irna News Agency*, 16th May 1997.
[71] *Payam Imruz*, January February 1998.

seemed enough to stimulate the masses, even the most disaffected people to participate in the process and cast their votes.

However, despite ECP's acceptable performance in the 1996 Majlis election where it won 60 seats from its own exclusive list[72] and its crucial support for Khatami's presidential campaign in 1997, it was unable to secure widespread appeal in the long run. Public criticism was directed at them for their "technocratic and arbitrary style of politics".[73] In particular, the ECP's main preoccupation with economic policies at the expense of other issues of concern to the Iranian voters decreased its sway on public opinion. As a result, the ECP did rather poorly in the Sixth Majlis election and could only save 27 per cent of its seats in the Majlis. The ECP's weak showing was actually interpreted as a by-product of two factors: a sharp decline of Rafsanjani's reputation due to a vast smear campaign against him in the run up the Sixth Majlis, and the rapid success of its coalition partner—the Islamic left—who swiftly managed to offer a radical package of reform.

4.5.2. THE NEW LEFT AND EMBODIMENT OF DEMOCRATIC RHETORIC

As the ECP declined, the new so-called reformists group of the Islamic Iran Participation Front strengthened its public domain. The Islamic Iran Participation Front (IIPF) was formed in 1998 by close supporters of President Khatami's government. In its initial declarations the title was 'the Islamic Iran's Participation Front' which later was changed to the Party. According to its constitution, the IIPP aimed to support and promote people's participation in the determination of their fate, advancing political and cultural development,

[72] It is common in parliamentary elections that various parties and groups introduce joint and exclusive lists. The former is combined of variety of candidates despite their primary political affiliation and the latter is for only affiliated candidates.
[73] Ibid.

reducing the government's role in these fields and also the government's supervision over the economic affairs of the country.[74]

For the first year Mohsen Mirdamadi, one of the former 'Students Following the Line of the Imam' and former governor of Khuzestan Province was the secretary general of the IIPP. Muhammad Reza Khatami (Deputy Minister of Health during first two years of Khatami's presidency), Saeed Hajarian (political advisor to President Khatami and member of Tehran City Council), Abbas Abdi (journalist), Muhammad Reza A'ref (Vice President of President Khatami), Habibollah Bitaraf (Energy Minister), Mustafa Tajzadeh (Deputy Interior Minister for Political Affairs), and Hussein Nasiri (presidential advisor and secretary of the High Council of Free Trade Zones) were among the main members of the IIPP. The IIPP was mainly composed of the members of elections campaign headquarters of President Khatami who after the election obtained high level administrative posts.

The IIPP's orientation could be described as a mixture of religious, nationalist, and neo-liberal ideas compressed within a New Leftist tendency. The party could rapidly achieve considerable popularity and success in Iran's political landscape as a result of its affiliation with Khatami and its exploitation of open dissatisfaction with the conservative establishment. Adopting an all-inclusive slogan, "Iran for all Iranians" by the IIPP broadened its influence into other religious and ethnic minorities. The IIPP skilfully placed the blame for economic and other problems on the conservatives' shoulders while taking credit for Khatami's reform agenda. The group was determined to gain a majority in the election of the Sixth Majlis. However, the IIPP's election euphoria had scarcely worn off when one of the key architects of the reformist campaign, Saeed Hajarian, was shot at point blank range by assassins believed to be members of Iran's own para-military forces. This, and the disqualification of some successful IIPP candidates by the Guardian Council, indicated that pro-Khatami forces still faced entrenched resistance from the conservative establishment and hard-line security forces, who still wielded much power.

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[74] Less economic control is in contrast to what most leftist groups are known to favour, while the IIPP, like a conservative group, advocates privatization.

Apart from a deep gap in political attitude between the IIPP and the conservative faction, the IIPP suffered an internal contradiction on the economic agenda too. Since Khatami's government was based on a coalition of ECP and IIPP, the economic strategy of the government lacked a cohesive direction. In other words, although the IIPP had shown its support on economic liberalization, due to its leftist grass roots it was obliged to consider pro-state policies. It only furthered the division between the ministers responsible for economy and financial affairs of the government and was marked as a failure to achieve pre-set targets by the Third Five Year Plan.[75] In fact, the cabinet ministers were divided as traditional left and new left. For instance, the traditional left opposed Iran's controversial entry into the World Trade Organization and advocated "interventionist industrial and agricultural policies".[76] This tendency was represented by the Labour House (*Khanah Kargar*), the Islamic Labour Party (*Hezb-i Islami Kar*) and, to a lesser extent, the Militant Organization of the Islamic Revolution (MOIR). In the Fifth Majlis, the traditional left managed to introduce pro-worker legislation, principally by wielding influence in the Majlis committee on labour and social affairs. Compared with the poor showing of the old left, the new left, mainly represented by the IIPP and its affiliated student and professional organizations—the Office to Foster Unity (*Daftar Tahkim Wahdat*) performed well in the 2000 elections. Some of the new leftists advocated neo-liberal strategies to combat poverty, such as job creation through economic growth and extending the private sector role in the economy.

4.5.3. THE RUN UP TO THE SIXTH MAJLIS ELECTION

In their preparation for the 2000 elections, the conservatives formed a coalition headed by three major groupings: the Association of Combatant Clergy (ACC); the Association of Islamic Coalition (AIC); and the Association of Qum Seminary Teachers. This coalition was titled 'The Coalition of Imam's Line and the Leadership'. Although the conservatives had the guaranteed approval of their

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[75] *Payam Imruz*, November/December 1999.
[76] For example, Former Economy Minister Hussein Namazi played a controversial role in opposing liberalization and finally left the cabinet.

candidates by the Guardian Council, the question is why the Council declared a wide range of reformists qualified to run in the election. This concession by the Guardian Council was welcomed by most reformists as sign of triumph for 'Second Khurdad's (May 23rd) movement'. Even a reformist newspaper *Tawsi'ah* wrote: "The core conservative block of the Islamic system (the Guardian Council) has now come to believe and admit the righteousness of the reform manifesto presented by Khatami".[77]

Nevertheless, it seems rather a simplification to endorse such an explanation. We can count three specific reasons why the Guardian Council unwillingly felt compelled to qualify a wide range of reformists to take part in the elections. First, Khatami's unprecedented efforts to unveil the misery of "chain assassinations"[78] had hugely increased his popularity despite his failures on other issues. Therefore, he appealed from the public to elect a Majlis conducive to work with his reformist government. Second, the student riot of 18 *Tir* (8 July) had a frightening impact on the conservatives making them concerned about the stability and security of the whole system if another uproar should arise. Third, the conservatives had become aware of their disastrous public standing, as according to some unofficial polls, their strongest candidate could not compete with any reformists, even new and anonymous ones. Thus, their insistence on not allowing the reformists to take part in the election would only courage people to boycott the election. In fact, the boycott could be read as an indicator of the illegitimacy of the Islamic regime and this was not an option to risk.

Therefore, the progress of the reformists on the eve of general elections cannot be seen as a real political superiority over the conservatives, but instead, a rational and temporary retreat by the conservatives in terms of real politick. In addition, the conservatives focused on the weakest point of the reform camp where disagreements and inconsistencies between the moderate right and the Islamic left occurred. Initially, the conservatives took advantage and welcomed

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[77] *Tawsi'ah*, 29 January 2000.

[78] After Khatami's victory in the election of 1997, a series of political dissents were murdered in a mysterious way until the Ministry of Intelligence admitted a number of its cadre have committed these murders absolutely out of their code of conduct.

Rafsanjani's candidacy as the leader of moderate right. This issue sparked an extensive disagreement and conflict within the reformists and split the reformists' coalition, as to whether support Rafsanjani's candidacy or to oppose to it. Incumbent conservative members of Fifth Majlis had also wisely shielded themselves from reformists' attacks by passing some of Khatami's economic bills in the last month of the Fifth Majlis. Also, the Fifth Majlis raised the voting age from 15 to 16, which meant fewer youth votes for the reformist candidates.[79]

However, the conservatives' motion to eliminate the run-off component of the election process was blocked by the reformist minority of Fifth Majlis who feared this was detrimental to their interests too.[80] The conservative coalition campaigned rather poorly. Their xenophobic slogans against Khatami's civil society, tolerance and reform programme had little impact on the electorate, except to encourage them to take part and oust the conservatives from the Majlis. The result was a massive defeat in the February 2000 elections which prompted soul searching in the hard-line camp. Some have conceded that they had lost touch with the electorate and that their behaviour in the Fifth Majlis was arrogant and divisive.[81] Not willing to relinquish power to their opponents, the conservatives nevertheless mounted a spirited counterattack to minimize the impact of the reformist victory by utilizing their strongholds like the Judiciary and the Guardian Council.

In terms of economic legislations, the key economic decisions relating to the Third Five Year Plan were already made by the Fifth Majlis before the new Majlis convened in May 2000. The incoming new deputies were most likely to focus on socio-political and judicial matters, institutional reform, and foreign policy, instead of the economy. What is certain, however, was that the parliamentary majority of the reformists in the sixth Majlis inherited a great deal of controversial legislation which was against its proclaimed mandate.

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[79] *Payam Imruz*, November/December, 1999.
[80] Obviously, they were worried not to let situation worsen as their own re-election could be jeopardised.
[81] <www.referl.org/features/iran/>

4.6. THE REFORMIST SIXTH MAJLIS

So far we have studied major aspects of parliamentary politics of the five consecutive parliaments since the Islamic Revolution in 1979. Our main primary target has been to evaluate the essential factors shaping and directing the institution and function of parliamentary election and the Majlis per se. We also attempted to describe the assumption that the institution of parliament in the structure of the Islamic Republic should be considered slightly different compared with its counterparts. This is because of the strong presence of Islamic principles in the Constitution and subsequently in the function and purpose of the Majlis. In other words, we came to recognise that a totally ideological style of parliamentary system in terms of institution could be also capable of performing and functioning as relatively proportionate representation. For example, the scope of public discussion and the popularity of the Majlis during the 20 years of the Islamic Republic is more far reaching than the five parliaments during last two decades of the Pahlavi regime. Although the Islamic Majlis as its name indicates has proved to be an institution so religiously driven, however, its ability to embrace more engagement with the public is seen to be more credible than its predecessors.[82]

The First Majlis comprised almost all revolutionary parties including moderate or radical conservatives as well as Islamic and to some extent secular left, although it has not yet been split into the (Islamic) left or right. In fact, the First Majlis was the symbol of Islamic unity against the other participants of the revolution. From the parliamentary point of view, the birth of the Islamic Republic party can be seen as the most decisive event prior to the First Majlis election. The party put massive efforts into organising its affiliates all across the country and grasped the majority of seats. The dominance of the Islamists in the

[82] See Table of Tehran's turn out Statistic.

First Majlis paved their way to launch a refining operation which swept away a wide range of officials on a cross section scale.[83]

However, like other inevitable 'devolutionary' processes, the Islamists began to divide towards the Second Majlis election. The rift was mostly over the validity of two Islamic political ideologies. The Islamic left was identified as *maktabis* which was in favour of pro-state economic policies and the Islamic right was named as *hujjatis* with conservative and relatively liberal 'economic' trends. This division publicly revealed a factional conflict within the Islamic Republic, though unofficially. The war with Iraq prevented further division but by the Third Majlis, the tension between the left and right intensified and led to the emergence of the AMC (Association of Militant Clergy). Ayatollah Khomeini acknowledged and approved such political and ideological devolution which entered the Islamic Republic into an internal pluralism. But surprisingly, after his demise the balance of political rivalry in the Islamic Republic seemingly vanished and a sort of one party government ruled for eight years.

Accordingly, the Fourth and Fifth Majlis were fully dominated by the Islamic right (the conservatives) while their rivals were left out with only a few publishing news papers. This unbalanced situation did not last long and further devolution by emerging ECP shaped a new era in Iranian politics. The artificial but strategic alliance between 'defected moderate right' and 'Islamic left' created a space for envisaging reformist ideas and slogans. Notwithstanding, the wider political institution could not adapt that quickly to implement such reform. The possibility of becoming a candidate, however, was exclusively limited to a new and would-be popular political force combined with a huge public desire for change.

The new trend started with the election of Pro-reform President Khatami. His landslide election surprised political observers as well as the public and suggested that the Islamic Republic would be capable of democratising.[84] The

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[83] Implementation of Selection Process (*Guzinish*) through which any employment opportunity is allocated by means of an ideological and political vetting procedure.
[84] See Ali Ansari, *Islam, Iran and democracy*, intro, London, Tauris, 2001.

advocates of this argument mainly relied on the possibility of such democratic change within the current structure of the regime which according to classical models would be unusual in such a religiously based political regime. As a result, it was believed that the current Constitution could provide an appropriate framework for the materialisation of a democratic reform of the state.[85] At the same time, however, some analysts expressed rather pessimistic views on reform movement. For example, David Menashri argued that "Khatami's election to the presidency was expected to turn into a momentous catalyst for policy change." He added: "A year later, with no substantial improvement in social and economic fields…the direction of change, areas of reform, and rhythm of transformation are not yet clear."[86]

Khatami's first two years of struggle and sluggish progress to advance his mandate was chiefly attributed by his advocates (Islamic reformists) to the lack of a cooperative legislative body. The emphasis on this assumption by the reformists led to an extensive expectation from the next incoming Majlis, as the ultimate solution. Thus, the idea of a reformist Majlis was greatly promoted through the public as the only way to bring about reform in the Islamic Republic. The Islamic reformists deemed that the success of their reform mandate was subject to having a reformist legislative organ. This is our subject of investigation in the second part of this chapter and we will explore the emergence of the Sixth Majlis from its tantalisingly attractive pre-election politics to its sporadic performance as the first reformist parliament in the Islamic Republic of Iran.

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[85] President Khatami was frequently quoted as saying that by fulfilling all aspects of the Islamic Republic Constitution, it is feasible to reach democracy.

[86] David Menashri, *Iran Under Khatami, A Political, Economic, and Military Assessment*, The Washington Institute for Near East Policy, 1998, p.14.

4.7. THE IMPORTANCE OF A REFORMIST MAJLIS

Twenty years after the regime change in 1979, the revolution had brought about an urgent need for reform in different political, economic and social aspects of Iranian society. Having a reformist President in office who was incapable of fulfilling his plans compelled the non-conservative political activists to support the idea of electing a reformist Majlis. The initial evaluation by advocates of Khatami prescribed that the only possible and practical mean to guarantee the implementation of the people's will would be through gaining a majority in the Majlis.[87] However, the overall assessment of the Sixth Majlis, performance plus the recent developments (the election of Seventh Majlis) has proved this to be a naïve analysis of the politics of the Islamic Republic.

Some reformists finally realised that they could not reinstate the power of the democratic elements (elected government and elected parliament) against the unlimited rule of religious leadership with its arbitrary authority.[88] This authority is also constitutionally granted. However, despite the mounting rivalry with winning the parliament by the reformists and the media frenzy over its importance, the reformists were struggling to win an already lost battle. Although the reformists convinced the public that with their majority in the Majlis, Khatami could eventually be able to fulfil his promises to implement his democratic mandate, in reality, however, it did not mean the end of the power struggle, since all the legislations passed by the Majlis were subject to be scrutinized by the conservative Guardian Council. The reformists also believed that by having gained such a democratic standing along with massive public support they would be capable of overcoming the power of conservative dominated strongholds.[89] Yet, the election was not over; a conservative English language paper sought to undermine the expectations of the incoming Majlis by writing:

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[87] Abbas Abdi, 'Khuruj az Hakamiyat' [Why to quit from Government] in *Islahat dar barabar Islahat* [reform in reform], [et al], Tarh-i Naw, Tehran, 1381 [2002]. pp.77-79

[88] Ibid.

[89] Ali Reza Alavitabar, 'Mulahazat-i Rahburdi baraiyyih Ayandah' [the Strategic Consideration for Future] in Saed Hajarian [et al], *Guftagu-i Intiqadi, Islahat dar Islahat* [a critical dialogue, reform in reform], Tehran, Tarh-i Naw, 1381 [2002], pp.72-75.

> Even though observers have seen a 'revolution within a revolution', Iran is a young nation and is simply moving with the times. However, those who expect or predict that 'big changes' will take place in Iran after the elections either do not know the legal framework of the country, or they simply provoke the people to stand up to make the basic changes in the system. Although there may be a more open socio-political atmosphere in the country, which is but natural, this does not necessary mean that the basic pillars of the system will be scrambled.[90]

From the beginning, the importance of the Sixth Majlis and its reformist mandate was overstated. Since the factional politics within the Islamic Republic had reached a point that seemed to be indicating of a major breakthrough, some hoped to see the performance of the Sixth Majlis as a turning point in resolving the Islamic Republic's prolonged power struggle and reforming a totalitarian style of governance in favour of a democratic government. This anticipation was pioneered in particular by a popular and reformist President who was also in office at the time.[91] It was thought that a reformist Majlis could accomplish the task of 'reform and progress' promised by President Khatami's government. Since Khatami's landslide presidential election victory in May 1997, his government was prevented from fulfilling its promises, mainly by a conservative dominated Majlis. In essence, Khatami's government effectively posed to act as the opposition, despite his huge popular mandate. Thus, both Khatami's advocates and he himself came to believe that only a sympathetic parliament could eventually change the divergent spectrum of the Islamic Republic.[92]

From public opinion perspective, the reformists' mandate was to provide a convergence between the Majlis and the government to boost a political reform. However, the nuanced difference between public expectations and the reformists' own perception and capability was based on a unilateralist view of

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[90] *Tehran Times*, 17 February 2000, Tehran, p.7
[91] Irna News Agency, 17 November 1999.
[92] Saeed Hajarian, in *Mua'ma-i hakamiyat Qanun dar Iran* [the dilemma of rule of law in Iran], Abbas Tadayun, and Abbas Abdi (ed), Tehran, Tarh-i Naw Publishing, 1381 [2002], p. 112-113

political power. In other words, the paradox of the reform movement in the Islamic Republic became more apparent when the route of reaching the objective–reforming the system–was planned through an accumulation of power in the hands of one faction (the reformists). That was, in effect an intrinsic contradiction towards pluralism and the democratic reform of the political system. Although the reformists repeatedly revealed their enthusiasm for the idea of reform, given the structure of political hierarchy in the Islamic Republic, their strategy of integrating political power—through elections—seemed substantially inappropriate. In fact, the strategy of aligning the executive and legislative branches together might work normally in the early stages of developing countries, provided they undergo an extended economic and industrial reform, like South Korea and Malaysia.[93]

Interestingly, the previous conservative but economically reform-minded government of Rafsanjani attempted to implement this method in Iran's post-war reconstruction period. But it failed to accomplish its goals, first and surprisingly due to a rigid opposition to his economic reforms among his own backbenchers (the conservative faction), and secondly due to the constitutional barrier to opening up the economy and conducting necessary privatisation.[94] In the early years of the construction period, the radical conservatives could hardly defy most economic reforms introduced by Rafsanjani's moderate conservative government, but gradually became furious and obstructed any plan for broader reform. Instead, they realized that they must maintain a protective grip on the Judiciary, the Guardian Council, security related issues and organisations, as well as the state broadcasting services.[95] Moreover, since the conservative-dominated Fourth and Fifth Majlis had proved their firm resistance towards social, economic and political reform, it was the government which persuaded the MPs to approve its semi-reformists bills.[96] In other words, the supposed

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[93] This could be applied until the achievement of economic development, as afterwards a series of political reforms is inevitable.

[94] On one hand, although Rafsanjani's government privatised vast number of state-owned companies, the main infrastructure and up-stream industries remained in the control of government according to Article 44 of the Constitution. On the other hand, the elements of pervasive state control prevented a fair and healthy privatisation, which also led to further setbacks and scepticism.

[95] *Aftab Emruz*, Vol. 5, no. 58, February/March 1998.

[96] For example, the vote of non-confidence in Rafsanjani's Finance minister and blocking his economic reform .

representatives of the public were against altering and reforming the status quo and this task was being prompted by the then current governments.[97]

The formation of the Sixth Majlis and prospective performance was subject to many speculations. It was widely thought that the new Majlis would not only enable President Khatami to enhance democracy at home but also to accelerate his policy of rapprochement with the West and, in particular, the US. In fact, the combination of a reformist Majlis was seen to be beneficial not only for Iranian society and politics but for the whole region and beyond (the Arab-Israeli peace process, the war against terrorism, etc).[98] As the surprise election of Khatami had created a broad wave of hope that change was coming throughout Iranian society, both the domestic pro-reform polity and the international community were readily striving for alteration. As some commented on the stunning turnout in the 2nd Khurdad (May 23rd), the vote of the people was in fact, a "*no*" to the conservatives and then a vote of "*yes*" to Khatami and his manifesto.[99] We should bear in mind that although Khatami's reformist mandate gained public trust, it also severely suffered from repeated contradiction and incongruity.[100]

Therefore, it seems plausible to argue that the strategy of gaining the majority of Majlis which is elected only for a four year period to facilitate the implementation of a reform mandate (democratisation) alongside a homogenous government lacked practical feasibility. In fact, the theory of providing a cooperative Majlis for a reformist government was perceived to be capable of concluding a prolonged power struggle within the Islamic Republic. From the reformists' point of view, the only way to reform was to seize legislative power through general election under a democratic banner, whereas they had to reconsider the practical distribution of power within the Islamic Republic's hierarchy, and press to change it before making any promises.[101] But they only focused on the election of their prominent advocates in parliament. In effect, the

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[97] It was the case during Rafsanjani's government and first two years of Khatami's presidency.
[98] Editorial, *Asr-e Azadegan*, February 2, 2000
[99] Alireza Rajaie, *Iran Farda*, Tehran, September, 1997,vol. 6, no.34, p.45
[100] For example, in the pre-election period Khatami had insisted on the implementation of the principles of civil society; he amended his opinion after the election and stated that he meant the Islamic civil society, not the civil societies which exist in the West.
[101] Alireza Rajaie, *Iran Farda,* Ibid.

reformists did not intend to create any reform within the system, but rather a refurbishment of political figures—not a reform for the system as a whole.

Furthermore, the mere triumph of reformists in the parliamentary elections could hardly provide them with an affirmative outcome to secure their proclaimed democratic or reformist cause, since, the Constitution had already disqualified the parliament and the government from performing as the main decision-makers.[102] Thus, for the reformists, the control of both parliament and government could not bring much ability to manoeuvre, as they had to deal with more restrains under the regulations of formal politics. They now had to tread cautiously for two reasons. First, they were no longer able to attribute the system's failure to the conservative faction (as they now possessed the majority of government and the parliament). Second, due to the compulsory scrutiny of all the legislation passed in the parliament by the Guardian Council, the conservatives still enjoyed ample legal authority to block any serious attempt to reform the system.

As for the reformists, they would have three ways to succeed in carrying out their agenda. If we assume their cause as popular and reformist, they needed to employ either of the following methods. The first would be a series of institutional changes, i.e. revising the Constitution and therefore dismantling the Guardian Council as the main obstacle to reform. The second would be to resort to resource mobilisation, i.e. massive demonstrations, civil disobedience, etc. The third option would be to encourage discursive and contextual development, aimed at both society and state apparatus levels.[103] As mentioned before, the first option could not be the case as the reformists were elected and given the political authority and legitimacy according to present institutions and any changes would undermine their own positions, not to mention the constitutional obstacles of pursuing this method. The second option (resource mobilisation) also could not be exercised as the majority of the reformists for long were known as loyal Islamists who had even fought for the Islamic Republic, hence,

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[102] By giving a full authority to the Supreme Leader.

[103] This notion was repeatedly stated by various reformists as *farhang sazi* or *bastar sazi* (contextual development and introductory phases).

felt unable to rally against the current political system. However, to materialise what they had expressed as their goals and aspirations within the time limit of four years, they had no option but to resort to either of these two methods.

Saeed Hajarian, whose theories were received with great attention prior to and during the reformists' presence in power, metaphorically described the solution as such: "Pressure from below, negotiating from the top."[104] He envisaged that by implementing a limited but combined application of aforementioned methods, the reformists would be able to achieve their targets in time and with minimum costs and instabilities. For instance, a wave of new reformist newspapers and journals began to publish right after Khatami's election in 1997. Generally, the issues and the language they used were unprecedented in the Islamic Republic era with the exception of first two years.

For the first couple of years, these radical reformist newspapers gained substantial audience and dominated the headlines. However, the reformists completely had forgotten that the maximum circulation rate of 400,000 that their most popular newspaper reached cannot be sufficient to guarantee the public support throughout a country of seventy five millions. As a result, it is plausible to argue of a determined failure of agency in conducting reform in the political structure of the Islamic Republic. According to Hajarian's theory, media ought to play a decisive role in provoking and encouraging masses up to certain extent which was set before the threshold of public revolt.

In the following section we try to give a thematic evaluation of the reformist Sixth Majlis, its achievements and failures. First, we summarize the arbitrary nature of Iranian politics and the uncertain role of Majlis to promote a reform mandate. Second, since the discourse of reform in post-revolutionary Iran has integrated to Khatami's presidency as a popular and democrat minded President, his main perceptions on reform movements and social change in Iranian society will be mentioned. Third, we look at the factional politics within the loyal groups of the Islamic Republic in winning the Sixth Majlis election. Fourth, we

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[104] *Subh-i Imruz*, 24 January 1998.

focus on the latest legal procedures of holding the Majlis election. We will also assess the promising impact of the Sixth Majlis election on Iranian foreign policy. Finally, the chapter will be concluded by analysing the failure of parliamentary reform in the Islamic Republic, while however, acknowledging a discursive progress towards reaching conceptual level necessary for achieving democratisation.

4.8. A DEMOCRATIC DILEMMA: BAZAAR-ULAMA STRONGHOLD

After all these high expectations, one could raise the question: can the sixth parliamentary election be categorized as a democratic election or not? From idealist point of view it can be seen as the least democratic election but, on the other hand, for an essentially ideological state it could be argued to be relatively democratic.[105] Of course, the full detail to support this argument is laid in the structure of power in the Islamic Republic and its unique hierarchy. As far as the decision-making process is concerned, at the top is the Supreme Leader (*wali-faqih*) who somehow is thought to be given his authority as a divine representative. Therefore, he practically and legally enjoys the last word and the power of veto over all matters.[106]

He is not just the spiritual leader of the nation but also the ultimate political decision maker of the country. He controls the military, the police, radio and television, and the judiciary system. Some of the most important commercial and industrial foundations are also directly or indirectly are under his control. As mentioned before, below the Supreme Leader are the Guardian Council, the Expediency Council, and the Assembly of Experts. The combination and function of all these depend on the Leader's discretion while the legality of their decisions in addition to their constitutional position, is also ascribed to the legitimacy of the Leader.

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[105] Hussein Mara'shi, ECP's reformist MP in the Sixth Majlis in an interview with author. An extract from this interview will be given at the end of this chapter.

[106] For example, Ayatollah Khamenei in 2004 encouraged designers to produce a national modelling dress in order to replace the Western style with it.

Two very important political factors characterise this sophisticated power structure: first, the aforementioned decision-making organs which are composed of a group of conservative clerics. They form a closed circle of the ulama which is unaccountable to the public and more importantly, is impenetrable to 'outsiders'. In fact, this circle is also able to constrain the Supreme Leader on the basis of belonging to the guild of clergy and to some extent through the Council of Experts which supposedly supervise the Leader. Moreover, this ruling class of the ulama has long had intimate relations with and the support of the most powerful traders (Bazaaris) and merchant capitalists who control the Chamber of Commerce and the largest import-export companies.[107] Bazaaris are the merchants, shopkeepers, employees, hawkers, and other urban Iranians who make their living inside the Bazaar or depend upon it for a living."[108]

A strong link between the clergy and the merchants is rooted in the historic socio-economic structure of Iranian society. That is to say that there is a mutual and profound collaboration between the traditional Bazaar which is only willing to preserve itself as a pre-modern pattern of commerce (incomprehensible income accounts and tax evasion) and the strong patronage of the ulama.[109] On the other hand, the ulama also depend on the largesse of the Bazaaris to fund their schools, seminaries and networks through generously defined religious donations such as: *khums*[110] and Imam's portion (*sahm-i imam*).[111]

In other words, the political structure of the Islamic Republic is based on a well organized network of ulama with strong economic links to the masses who strongly believe in religious matters.[112] To support this argument some scholars have studied

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[107] Bakhash, *The Reign of the Ayatollahs*, p.192-193.

[108] Arang Keshavarzian, Tehran's Bazaar: Continuity or Change in *Guft-u-Gu*, no. 41, January 2004, pp.11-48.

[109] Members of traditional Bazaar tend to refuse government supervision over their financial activity in order to escape heavy taxation, instead they insist on paying religious pay-outs to the clergy instead of tax.

[110] *Khums* is a 1/5 of net benefit left annually and its saving and spending according to Shi'ism is prohibited.

[111] According to Shi'a school of Islam, each Muslim should calculate his annual profit and allocate 1/5 of it for poor people or who the current Imam considers eligible to receive it. Also, Imam's portion is the money each prosperous Shi'a Muslim allocates for the Hidden Imam as a sign of his loyalty and devotion to Him and his cause. Of course, during the occultation period, the jurisprudents act as Imam's representative (viceregent) and collect this fund.

[112] For example, the Assembly of Experts, the Guardian Council, the Expediency Council.

the internal dynamic between bazaar and the ulama and attempted to measure the leverage of influence it exerts into political power.[113] "The Bazaar's close cooperation during the revolution with the ulama (Shi'a Islamic leadership) engendered scholarly claims of an historical Bazaar-Mosque alliance."[114] Or "outside of ulama itself, no group in Iran has been as constantly labeled "Islamic" as bazaaris"[115]

Therefore, it seems, we cannot easily reject the argument that the institutions of government and parliament in Iran are to some extent an institutional accessory designated to administrate the affairs, not to shape and direct the distribution of resources and wealth. Apparently, given the size, autonomy and influence of Bazaar and the institution of ulama throughout the society, it provides sufficient concentration of authority to block any attempt to reform the state without considering reforming the old-established interaction between Bazaar and ulama. In other words, there always has been a functioning—although undemocratic—form of state-society interaction in the Iranian society. As a result, it has not yet been possible to create civic (secular) state-society relationship.

The election of a president or representatives of the Majlis can be seen as exercises of democratic procedures which act as the veneer of democracy on the Islamic Republic. The signs of intra-state demand for reform began to emerge on the eve of the Fifth Majlis elections in 1996. The emergence of the reform movement can be attributed to the participation of the post-revolutionary middle class in the political procedure. This participation was felt needed and therefore welcomed through the unity of both "moderate right" and "Islamic left" as one front aiming to prevent the "radical right" faction from seizing the absolute power and allocating all the resources to its "Bazaari-Ulama alliance". Therefore, we should appreciate the difference between Iranian society's demand for reform and the political reconfiguration between Islamic left and moderate right.

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[113] For example, Ahmad Ashraf, Thaiss, and Keshavarzian.

[114] Ahmad Ashraf, 'Bazaar-Mosque Alliance: the Social Basis of Revolts and Revolutions', in *Politics, Culture and Society,* no.1, 1988, pp. 538.67.

[115] See Gustav Thaiss, 'The Bazaar as a Case Study of Religion and Social Change' in *Iran Faces the Seventies*, (ed) Ehsan Yarshater, New York, Praeger, 1971.

Applying the term "reformist" to this political alliance should be seen as a linguistic compromise which has gradually become standard. Interestingly, the usage of the term "reform" has little trace before the landslide election of Khatami in 1997. In other word, these reformists never had an explicit intention of restructuring the system or even deposing the radical conservatives, but of gaining their share of power.[116] In this light, the widespread socio-political and economic dissatisfaction created an inevitable but very ambiguous notion of reform. Such un-clarity caused huge confusion throughout the social strata and of course political factions. The new popular alliance found itself at the critical juncture, having to choose between making unrealisable promises to encourage public support, or advocating those more limited measures which they were actually capable of delivering. The new left faction (IIPP) chose the first path and rallied against the strongholds of the system.[117] As a result, the conservative establishment positioned itself wisely behind the Supreme Leader as the guarantor of the status quo and extensively tried to halt any reformist action. The conservatives felt compelled to resist the spreading of reformist rhetoric—not mentioning reformist initiatives or practices—therefore banning reformist newspapers and intellectuals followed as preventive measures. This aspect will be addressed in more detail in the interview with MP Hussein Mara'shi later in this chapter.

For example, when Qualm Hussein Karbaschi was the mayor of Tehran, he launched his plan for a massive chain store to supply goods in Tehran in order to offset the traditional monopoly of the merchants in Tehran's Bazaar. The conservatives reacted by accusing him of spreading capitalism.[118] But worse for them was the publication of the daily newspaper *Hamshahri* (fellow citizen) which introduced a relatively liberal form of lifestyle, and which angered the conservatives by undermining their rigid attitudes towards life. In addition, antagonism became more apparent through the emergence of the ECP and its extraordinary performance during the Fifth Majlis election and then the presidential election. The new trend aimed to modernize society albeit within the

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[116] Majid Muhammadi, an article in <www.gooya.com/akhbar >
[117] The announcement by IIPP for reconsideration of the Constitution and holding a refrundum.
[118] *Kayhan*, 12 November 1996, P.2, in editorial it points to chain supermarkets Sharvand.

Islamic rules, and it was enough to be encountered and blocked by the conservative opposition. The trial and imprisonment of the Head of ECP (Karbaschi) was the least price that a political group had to pay for attempting to change parts of socio-economic status quo.

4.9. THE POLITICAL FACTIONS

For nearly seven years, from 1989 to 1996, factional activity became halted in Iran.[119] Since Ayatollah Khomeini's demise the Islamic left was expelled from all three branches of government. As mentioned in chapter 4, on the eve of the Fifth Majlis election the conservatives split into two: moderate and hardliner factions. The hardliner (traditional) right gathered around the Association of Militant Clergy, whereas the moderate (modern) right found the left faction to be the only option to ally with. This alliance was however a tactic for the moderate right to maintain its ever growing influence, but for the left faction it was an historic opportunity for resurgence and a chance to reorganise itself as a reformist trend.

4.9.1. THE MODERATE ISLAMIC LEFT (REFORMISTS)

The Moderate or new Islamic left descended from the traditional Islamic left which was a mixture of socialism and political Islam. After the demise of Ayatollah Khomeini and with the dominance of the conservatives, the Islamic left underwent a series of transformations and altered its traditional juxtaposition on economic and social issues. Although the new left still was dominated by mainly traditional leftists, their new and popular rhetoric attracted public appeal and prepared the ground for their election. The traditional left however, remained intact on economic, social and cultural issues. They strongly opposed Iran's entry in the World Trade Organization and advocated state intervention in industrial and agricultural policies.[120]

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[119] Hamid Reza Jalaipur, *Jami'ah Shanasi-i Junbish-hayyih Ijtama'i* [the Sociology of Social Movements], Tehran, Tarh-i Naw Publishing, 1381 [2002], p.204.
[120] *Payam Imruz*, ibid.

This tendency used to be represented by the Majma' Rawhaniyun Mubariz (AMC), the Labour House, and the Islamic Labour Party and, to a lesser extent, the Organization of the Militants of the Islamic Revolution (OMIR). *Salam*, the newspaper published by Musavi Khoeiniha (senior member of AMC) in 1992, was the only paper to broadcast the left faction in the Islamic Republic. It continued until the election of the Fifth Majlis and emerging of a new coalition between new left and moderate conservatives. This alliance was received warmly by the public and *Salam* became more popular to shape public opinion.[121] Its editorials' articles and also its famous open column (*alo-salam*) introduced a new form of dialogue which was unprecedented. It published and promoted concepts like human rights, freedom of speech, ethnic and minorities' rights, political pluralism, etc. *Salam* hugely assisted in rebuilding a new face for the Iranian left. To this end, the Islamic left embraced a number of democratic concepts for the first time in the Islamic Republic and attempted to ease various restrictions on social, economic and political issues.[122] This coalition greatly contributed and prepared the ground for the landslide victory of Khatami in 1997.

After the election of President Khatami, a group of moderate leftists initiated the establishment of a coalition comprising of the major reformist groups. They planned to bring all eighteen political groups which supported Khatami during the presidential campaign into one front. From the beginning, they failed to convince other partners to accept this offer and the proposed front altered to become a party, Iran's Islamic Participation Party (IIPP). This was officially founded in 1998 by Khatami's closest political allies under the leadership of his brother Muhammad Reza Khatami.[123] The newly formed reformist party strengthened its public profile, emphasizing its liberal reformist discourse.

The orientation of the IIPP could be described as a mixture of religious, nationalist and neo-liberal ideology compressed within a New Left tendency.

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[121] Jalaipur, ibid. p.205
[122] *A'sr-i Ma*, 18 December 1998.
[123] A day after announcing its formation, several groups declared their independence and emphasised their wish to preserve their identity, for example, the Executives of Construction Party (ECP).

Also, by adopting the inclusive slogan, "Iran for all Iranians," the IIPP attracted various groups of people across the country, in particular the religious and ethnic minorities.[124] For a short period, it achieved considerable success in Iran's political landscape, in particular at the sixth Majlis election. However, some believe that the IIPP's success was the result of its affiliation with Khatami and the exploitation of widespread dissatisfaction with the clerical establishment. In addition, to better understand why the majority of constituencies voted overwhelmingly in the forthcoming elections in favour of IIPP's candidates (the sixth Majlis and Khatami's second term), we need to consider its *rentier* status as a government backed party.

In the meantime, Khatami pressed the Intelligence Ministry to reveal its responsibility for a chain of dissident assassinations. It was the most striking event in the history of the Islamic Republic and brought a wave of condemnation and resentment within the masses and elites. Consequently, Durri Najafabadi the Minister of Intelligence was forced to resign. However, in the aftermath of investigations, the reformists' papers launched a critical attack on the fact-finding process. Most notably, Akbar Ganji, a reformist journalist at the *Subh-i Imruz* newspaper, envisaged that such terrors must have been directed from top officials and that the resignation of the intelligence minister was not satisfactory.[125]

He went further and implicitly accused Rafsanjani as one of the masterminds of chain assassinations[126] The result of such media frenzy surely damaged Rafsanjani's reputation among the public and marginalised his political position. On the other hand, Rafsanjani's candidacy for the Sixth Majlis election put the Executives of Construction Party (ECP) in a difficult situation on whether to support him or not. For sure, the ECP could not refuse to enlist Rafsanjani since he was its main founder. Thus, the rift between the IIPP and ECP deepened. As a

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[124] Arabs in Khuzestan or Turkmens in Golestan province.
[125] *Subh-i Imruz*, 19 January 2000.
[126] *A'li janab Surkh Push!* The Red Worn Lord! Akbar Ganji, in editorial of *Neshat,* 15 January 2000.

result, the ECP's reputation started to decline and gradually lost public confidence.[127]

The IIPP also skilfully placed the blame for the failure of Khatami's government to solve social, economic and political problems on the conservatives' shoulders while taking credit for Khatami's reform agenda. The party was determined to gain a majority in the oncoming election of the sixth Majlis. However, the disqualification of some hopeful IIPP candidates by the Guardian Council and the assassination of Saeed Hajarian indicated that the pro-reform forces still faced entrenched resistance from the clerical establishment both on legal and constitutional grounds, together with using the harshest of violence.[128]

Aside from political rivalries, which pretty well disintegrated the reform coalition, economic mismanagement and disagreement within the government was a great matter of concern. The conflict emerged between the ECP and the free market supporters in the IIPP against the pro-state control leftists. Since Khatami's cabinet consisted of two ideologically opposed economic ministers, this disagreement and chaotic decision-making affected his political achievements. The confusion even caused the postponement of the Third Five Year Plan for a year.[129] Obviously, the original differences between the modern right (ECP) and the moderate left on economic issues became more apparent and halted the government performance as a whole. For instance, the continual disagreement between the Central Bank and the Economic Ministry over the monetary policies frustrated the government; hence Khatami personally interfered to solve this persistent problem. Also, the privatisation process which had commenced under the previous government underwent a critical review and came to a standstill.[130]

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[127] This decline began with backing of Rafsanjani in the Sixth parliamentary election

[128] The Guardian Council rejected Abdullah Nuri as a candidate for the Sixth Majlis election, while Saeed Askar who shot Hajarian is believed to be a member of the Basij.

[129] *Bunyan*, Tehran, 24 May 2002.

[130] *Abrar Eqtasadi*, Tehran, 6 March 2000,

4.9.2. THE CONSERVATIVES

In their preparation for the sixth Majlis elections, the conservatives formed a coalition headed by three major groupings, the Association of Combatant Clergy, the Society of Islamic Coalition, and the Association of Qum Seminary Teachers. This became known as the "Coalition of the Imam's Line and the Leadership". Ostensibly, the conservatives knew there was little chance in gaining any victory in the Majlis election and therefore took a defensive approach. Perhaps the reason why Nateq Nuri avoided registering as a candidate was that the conservatives were aware that this was a lost battle and thus retreated to prevent more embarrassment.[131] On one hand, the Council of Guardians disqualified many of the secular reformist candidates, notably the IFM's candidates such as Ezzatollah Sahabi, Ibrahim Yazdi, and Peyman. On the other hand, the conservative camp welcomed Rafsanjani's candidacy and enlisted him to the top position.

Of course, there was a split among the conservatives whether to support Rafsanjani's candidacy.[132] But at the end, Rafsanjani conceded that his name be added on the conservative list, and it was perceived to be useful for the conservatives in order to weaken the reformists in the long run. At the same time, as said before, the radical reformists intensified their attacks on Rafsanjani over his role in the chain of assassinations and, with persistence, discredited his entire career.[133] In fact, separating Rafsanjani from the reformist campaign was a real success for the conservatives though they were badly defeated in the general election.

An earlier change in the election law and raising the voting age from fifteen to sixteen also benefited the conservatives in the light of the massive majority of Iranian youngsters having crude pro-Khatami sentiments. The conservative coalition campaigned rather poorly. Their xenophobic slogans against Khatami's reform programme had little impact on the electorate. The presidential defeat

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131 *A'sr-i Ma*, 15 June 2000.

132 *Kayhan*, a prominent conservative tribune, consistently expressed its dismay at Rafsanjani's candidacy.

133 For example, Abbas Abdi.

and the prospect of another massive defeat in the February 2000 elections prompted soul searching in the hard-liners' camp. Some acknowledged that they had lost touch with the electorate and that their behaviour in the fifth Majlis had been arrogant and divisive in the eyes of the public.[134]

Not willing to relinquish power to their opponents, the conservatives nevertheless mounted a vigorous counterattack to minimize the impact of the imminent reformist victory. Given the fact that they were now about to become a minority, their ability to maintain influence over the legislative process was constrained but, thanks to the constitution, the Guardian Council could still legally reject any legislation. Even then, they tried to reach out to the independents and moderate reformers in an effort to isolate the more radical reformers.[135] In addition, during the last months of the fifth Majlis, the conservative camp squeezed its power to obstruct any foreseeable reform plans. For example, the Guardian Council issued a verdict saying that the institutions under the leader's appointment were excluded from the Majlis supervisory status and legally were bound to be responsible to the Leader.[136]

4.10. THE SOCIO-POLITICAL TRANSFORMATION OF IRANIAN SOCIETY—A REFORMIST DISCOURSE

The legal and political framework in which the election of the Sixth Majlis was conducted could not be assumed to be democratic as far as the normative pattern in other democracies is concerned. But in the context of the urgent social imperatives which accompanied the Sixth parliamentary election, it produced a sense of having achieved a democratised election.[137] Saying that "this election took place democratically" cannot convey the whole picture. In fact, this election was held in an arbitrary atmosphere and through a vetting mechanism which only approved loyal candidates to the regime. Therefore, many would-be

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[134] *Resalat*, Editorial by Amir Muhebiyan, 5 March 2000.
[135] For example, Qudrat Ali-Khani, who belonged to the reformist camp, repeatedly acted or voted in favour of conservatives in the Majlis.
[136] Such institutions include the National Broadcasting Organisation, the Judiciary and all its sub-sections, the armed forces, and even the giant Charity of Imam Khomeini's Relief.
[137] By introducing the term Islamic Democracy (*mardum-salary-i dini*)

candidates (mainly secular) were rejected and barred from standing in the election. The whole process occurred with a desperate hope for change. It was in contrast with Khatami's inability to utilize his presidential prerogatives and also mobilise the masses. However, a series of daily political events and tragedies provided a great deal of courage and enthusiasm for the pursuit of a reform movement within Iranian society.[138]

The chain of assassinations of socio-political dissidents and violent riots in the universities had a far-reaching impact on creating such stirring circumstances.[139] In early summer of 1998, Teheran University students engaged in a peaceful demonstration opposing the closure of *Salam*, a popular reformist daily newspaper, when they were violently attacked by hundreds of plain cloth security forces and thugs. Dormitories were destroyed, one person was officially reported killed, dozens were wounded and hundreds were arrested. Of those accountable for this attack, not a single person was convicted except for a low profile policeman who was fined for stealing a razor.[140] Instead, many students were given long prison sentences and at least two were sentenced to death.[141] These incidents added to the public demand for radical reform within the system and of course, it was perceived achievable through the upcoming parliamentary election of Sixth Majlis.

The conservative faction which were surprised and seriously outvoted by twenty million voters in the presidential election of 1997, started to take all necessary precautions and prepared the ground for a less embarrassing defeat in the 2000 election. They did so through the Fifth Majlis by passing a motion giving the Guardian Council more strict supervision rights over the eligibility of the candidates for the Majlis elections. This bill allowed the Council to disqualify any candidate they deemed unfit.[142] Subsequent to this legislation, eight hundred

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[138] For instance, the chain of assassinations of political dissidents and attacks on university students.
[139] These riots broke out after students protested against the closure of the *Salam* newspaper for revealing some information on the assassinations. Plain clothed security forces burst into the University of Tehran dormitories and beat students. The incident led to rioting throughout the country in places such as Shiraz and Tabriz.
[140] *Subh-i Imruz*, 17 October 1999.
[141] Ahmad Batebi was condemned to death. After three years trial, the verdict was reduced to 15 years imprisonment.
[142] The amendment to the election law was passed in 1999.

of the most popular reformist candidates were disqualified from a field of six thousand.[143] At the same time, intense pressure was meted out against the reformist press.

Prominent critics of the status quo (the conservative dominance), including of the most popular candidates such as deposed Interior Minister Abdullah Nuri, former MP Mohsen Kadivar, the Shi'a scholar, and Musavi Khoeiniha, publisher of *Salam*, either were jailed or barred from political activity.[144] Extra measures were taken to discourage voter participation in the election. Election campaigns were limited according to the new amendment, in terms of the length of time, the size of posters, and even the colour of leaflets. The voting age was raised from fifteen to sixteen and the duration of voting was reduced to twelve hours. The last two measures alone reduced the number of voters by hundreds of thousands. In order to enhance the chances of incumbents being re-elected, the legislation also reduced the percentage of votes necessary to win the Majlis seats from 33 per cent to 25 per cent.[145]

The conservatives did not confine themselves to these antidemocratic procedural measures. They did their best to divide the solid lines of the rival faction. This is where Hashemi Rafsanjani stepped in as a candidate. While Rafsanjani's party, the Executives of Construction (ECP), was considered part of the reformist movement, his overall political career is better characterised conservative.[146] Rafsanjani's candidacy created friction within the reformists. Although he had been tried to be known as reformist, there was a general consensus that his real intention was to resume his previous position as Speaker of the Majlis, thereby gaining control over the reformist representatives. The majority of reformists showed their despair at his candidacy. A question to raise here is why the ruling clergy in general and the Guardian Council in particular bothered to take all these complicated endeavours instead of rigging the election? The answer would

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[143] *Payam Imruz*, ibid.
[144] Ibid.
[145] *Asr-e Azadegan*, January 12 2000, p.3
[146] Hamid Reza Jalaipur, ibid, pp.307& 310.

be that, by giving the election a veneer of democracy, they sought to gain legitimacy for the regime as a whole.[147]

The rift between the public and dominant conservatives had reached its highest level and lack of public confidence became more obvious.[148] Thus, the conservatives were fearful of the consequences of rejecting the election result, in particular when from the government point of view (Khatami's government) the election was seen as healthy one.[149] In addition, when the possibility of a social uprising or chaos, whether immediately or sometime later, could not be ruled out, the conservatives felt compelled to approve the totality of elections.[150] The next question to consider is: can the overwhelming participation of the people in the election be interpreted as a supporting factor for the current structure? And if not, why did they take part in this election so massively and by doing so legitimise the regime? Answering this question requires a closer look at Iranian society and its contemporary political history.[151]

In fact, due to the lack of a modern civil society in the shadow of a politicized religion and also the persistence of a rentier state, neither a viable, independent working-class movement nor a strong national bourgeoisie has materialized in Iran.[152] This could be seen as the main reason why in 1979 a group of hard-line clerics easily took the leadership of a popular revolution, consolidated their power quickly, and practically eliminated alternative political opinions and movements soon after. However, the overwhelming majority of Iranians, particularly the younger generation, found an interest in a political faction which claims to conduct a series of reform. This advocacy was neither ideological, nor politically driven, but participation in the political process to satisfy their socio-economic demands.

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[147] *Rah-i Tudeh*, Bulletin , No.17, April 2000
[148] *Payam Imruz*, ibid.
[149] Khatami's government.
[150] See in the resolution of the Militant Organization of Islamic Revolution (MOIR), April 2000.
[151] See Hajarian article on Populism and Iranian polity, in *Aftab*, Tehran, February/March 2002
[152] For more argument in this regard see Homa Katouzian, *History and Politics in Iran*, London, I.B.Tauris, 2003.

As a result, a broad coalition of workers, peasants, urban and rural poor, shopkeepers, government employees, writers, artists, students, and teachers who were ready to vote (not fight) turned out and their say was counted.[153] In this light, some analysts argued that this development of people's votes which change the officials (reformists instead of conservatives) means that the democratisation phase to some extent had come to a practical stage. They believed that Khatami's victory began the period of reform and that the Sixth Majlis would accomplish that significantly.[154]

In fact, it was by the end of the Iraq-Iran War that a general empathy for basic social and political rights emerged throughout the public, in particular the emerging middle class.[155] After Khatami's election, this phase was called the "reform movement" without exactly specifying reform of what and how. In other words, there was a general agreement between the public and the moderate political actors over issues of reform such as easing some social restrictions, but neither the public nor the politicians knew what modifications should be made to the system.[156] Although in the aftermath of Khatami's election, his advocates attempted to envisage a reformist programme aimed at social, economic or political reform, it did lack the operational management which eventually led to the waning of its public appeal.[157] It could be defined as a social sympathy and desire (not a profound and deep-rooted movement) that took advantage of the exceptional opportunity offered by the presidential election of May 1997 to provide a massive show of public opinion.

Therefore, the lack of a strong, unified and determined leadership with a clear political and economic programme for the future was the weakest point of this so-called social movement. As the 2003 election of City Councils showed, the public quickly withdrew its support from the reformist faction and demonstrated

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[153] Seventh and eighth presidential elections, first City Councils elections and the Sixth Majlis elections.
[154] Hajarian, *Aftab*, ibid.
[155] Jalaipur, ibid, p.66
[156] In January 1998, Khatami conducted an interview with CNN about the rapprochement with the US which was promptly blocked by Khamenei.
[157] Khatami's repeated emphasis on the fact that public should not expect him to reform the system.

a massive apathy towards political participation.[158] Most of the reformists attributed their extreme caution in taking firm action to the internal and external dangers to the territorial integrity and national unity of the country.[159] Their ambiguity to stand firm or keep silent was disappointing enough. According to them, they preferred to try only the available means within the Constitution to move closer to their goals, instead of using violence and chaos.[160] It had become clear that pursuing their pre-election slogans would endanger their situation in the system, thus, they began to change previously made promises. Instead, they stressed that "reform is a steady and time consuming process which needs huge patience and that their opponents will eventually acquire the benefits of the discourse of reform and would finally join into the reformists' camp."[161]

However, the fundamental contradictions remained untouched. As the representative (elected) part of sovereignty was trying to convince the other wing to accept the majority's desire, the gap between the public and the reformists became deeper. Khatami's re-election in 2001 again raised the dilemma of whether the reformist approach could make progress in the structure of the Islamic Republic or not. In other words, the question was, how real was the possibility of having participating sovereign citizens whose votes would influence the outcomes of a decision-making system? Or should the decisions be made by a hierarchy of conservative theocrats descending from a Supreme Leader who himself is not elected by the people and is not accountable to them? The reformists actually proposed that their agenda was to make a balance between these two contradictions, not to alter the system.[162] There were also differences of opinion within the reform coalition as to whether this contradiction could be resolved within the framework of the existing Constitution or not.

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[158] See the results of the second City Council elections and the seventh Majlis, in both the conservatives won

[159] Taqi Rahnama, *Naqad-i Qudrat, Mavani' Nazari-i Istiqrar-i Democracy dar Iran* [the Criticism of Power, the Theoretical Obstacles of Democracy in Iran], Tehran, Nashr-e Soraaie, 1381 [2002],p.

[160] For example, Khatami's twin bills which aimed to clarify the election law and the presidential power both were obstructed and retuned.

[161] Muhammad Quchani, *Sharq*, 31 October 2003.

[162] Editorial *A'sr-i Ma* , March 23 2000.

On the other hand, some first-hand reports and conversations with voters revealed a high degree of political sophistication on the part of the participants.[163] As the conservatives did their best to discourage people from voting and also by disqualifying most of the well known popular candidates, many less known or unknown names appeared on the lists of candidates. The political background of thousands of candidates had to be carefully studied in a short period of time by the voters. Political discussions among family members and friends were intense and spirited. This election did not seem to be a ritual of going to the polls to choose between two candidates selected by party mechanisms and introduced to the voters in television adverts, rather it opposed to be a genuine channel conveying a public message.

The Sixth Majlis election was a spectacular success for the Islamic reformers and a striking setback for the conservatives. The results went beyond the expectations of many both inside and outside Iran. Close to 80 per cent of eligible voters participated. Of 290 Majlis seats, the reformists won 185, the conservatives 60, and the independents 40. The public preference in choosing one reformist faction over the conservative took place without rebellion or resorting to widespread violence. Also it ought to be noticed that the Iranian society could exercise its preference in a less ideological fashion than three decades ago, thanks to the engagement of the youth and women in the process.[164]

Significant cultural transformations in film, music, painting, fine arts, and historical and literary research also took place. The number of books published and the circulation of daily newspapers and their quality of political content reached levels unprecedented in Iran's history.[165] This is true, as well, of more academic magazines and journals. If we add the fact that 93 per cent of those between the age of six and twenty-four are literate, compared to 50.5 per cent before the revolution, and that there are a million and half university students,

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[163] Interview with several voters in three poll stations during the sixth Majlis election in Tehran, February 2000.

[164] The impact of first-time voters in determining who went to the Majlis was noticed by both political factions, (*Ra'y Avvali-ha)* cited in the IIPP's Resolution, January 2000.

[165] Various periodicals covered socio-political issues on regular basis such as Payam Imruz, Kiyan, Rah-i Nu, Gardun, etc, however, most of them were banned towards the end of Khatami's presidency.

more than half of whom are women, then a clearer picture of the cultural transformation that is taking place in Iran appears.[166]

However, as discussed extensively in the second chapter, the mainstream of intellectual debate and the dominant discursive paradigm in Iranian society had become a mixture of religious intellectualism and secular modernist school of thought. Although the reformists were attributing their manifesto to the religious intellectualism in accord with Islamic principles and notions, the degree of influence received through the translated works written by the Western liberal thinkers such as John Locke, Bernard Mandeville, Immanuel Kant, Max Weber, Karl Popper, etc. was profound. [167] In fact, for the conservatives, the Islamic intellectualism had been developed in correlation with the "Western cultural invasion".[168] The image portrait by both camp's politicians result was to show a deepening socio-political rift in Iranian society that is polarised between reformist (modern) forces and conservative (traditional) factions. However, for the majority of people such debates were obscured and had little meaning, not more than a series of political tricks for grasping more portion of already divided rule.

4.11. PRE-ELECTION POLITICS

Prior to the Sixth Majlis election, the nature of factional politics reached its climax in terms of political division between "reformists" (*islah-talab*) and "totalitarians" (*iqtidar-gara*). These terms were introduced to define the forces involved in the polity.[169] The reformists were quick to blame all the deficiencies and failures of their government (Khatami's) on the Fifth Majlis and its conservative (totalitarian) composition. In fact, the aim was to convince public opinion that a new reformist Majlis could reverse the course of events in favour of people's rights and also that it would determine the fate of the reform

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[166] *Iran Fact Book*, Tehran, published by the Centre for Statistic, 1379 [2000-2001].
[167] The author's survey during the field research in Shahr-i Ketab book shop in Tehran, Spring 2006.
[168] The famous phrase coined by Ayatollah Khamenei and repeatedly used by the conservatives.
[169] *Neshat*, 27 January 2000.

movement.[170] One might describe it as a real demagogy through which the reformists could grasp the confidence of the public while they knew that the Majlis on its own has a very limited power to legislate and coordinate a profound reform programme. Nevertheless, a critical view by the regime's opposition portrayed the reformists' mandate as neither capable of delivering their targets nor believing in what they were apparently after.[171]

Beside the public adversary between reformists and conservatives, one may interpret a delicate re-allocation of power holders aiming to buy legitimacy, and even a seductive attempt to redirect the opposition to the regime as opposition to one faction within the regime. More skeptical is the argument that the reformists would need the conservatives to prevent the secularization of Iranian politics, a case which even the Islamic reformists could not allow to happen. Conversely, the conservatives needed the reformers because they would give popular legitimacy to the totality of the regime. Indeed, we can argue that the conservative faction, also the Supreme Leader, Ayatollah Ali Khamenei, perceived the presidency of Khatami as the last best chance for the survival of the Islamic Republic. Practically, the same compromise compelled the conservatives to accept the Sixth Majlis elections. Although the reformists thought that the conservatives' retreat was a clear sign of their obedience towards the majority, they reluctantly disregarded their opponents' stand on permanent seats of power while their seats were subject to a four year period. The conservatives truly recognised that they could obstruct the reformists' agenda without any need to prevent them possessing the Majlis.

In the meantime, international pressure on Iran was increasing over three major issues: human rights, Middle East peace process and the production of weapons of mass destruction.[172] Thus, for the conservatives, a more democratic image of Iran would be better suited to relieve foreign and international pressure and even boost trade and investment. The conservatives saw this as a unique opportunity

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[170] The use of the term totalitarian instead of conservative by the reformist newspaper can be seen as stepping up the pressure on the conservatives to accept the reformists' policies.
[171] *Sharq*, 19 June 2003
[172] The UN Human Rights Commission condemned Iran's behaviour on human rights, civil liberty and ethnic and minorities' rights.

to enhance their economic and logistical influence and to be prepared for the next general elections (the second City Councils election of 2003 and the Seventh Majlis election of 2004). The conservatives, however, seemed well aware that despite their utmost attempts to sabotage Khatami's mandate, his popularity remained high. The political front runners who were Khatami's advocates still had a great chance to be elected, the only solution for the conservatives to defuse the reformists' progress was to dissuade the electorate from casting their votes in the forthcoming elections. A maximum participation began to be seen as a means for an absolute defeat. In this light, a bitter factional rivalry continued although it did not reach a climax.

4.12. THE SIXTH MAJLIS

In approaching the sixth Majlis election, the prospect of reform was entering into its crucial stage. It was a general perception amongst political activists that the fate of sixth Majlis would determine the fate of reform in Iran.[173] The pro-Khatami media was repeatedly telling the public that by sending reformist candidates into the Majlis, Khatami would be able to deliver his manifesto including freedom of speech, the promotion of social diversity and the development of civil society.[174] Since the former parliament was in control of the conservatives, the prospect of taking over the incoming Majlis seemed significant as the only step towards the implementation of the reform project. Both the public and the elites shared the simplified view that the new reformist Majlis would be competent enough to tackle the issue of authoritarianism. The idea was that the reformist Majlis would be the real voice of the public arising through the legislative branch in order to change the course of general policies.[175]

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[173] Almost all pro-reform newspapers illustrated such hopes in their editorials for at least six months prior to the election.
[174] Ali Muhammadi, 'The Six Majlis Election and Prospect of Democracy in Iran', in *Iran Encountering Globalisation,* (ed), London, Routledge Curzon, 2003, p. 228
[175] *Rah-i Tudeh Bulletin*, ibid.

However, before answering the question of how far this theory was valid and whether it could be verified by subsequent events, we need to take into consideration the experimental circumstances under which the sixth Majlis emerged. In fact, despite the rhetorical background reflected on the sixth Majlis which illustrated it as an unprecedented and unique form of democratic institution in the history of Iranian parliamentary politics, the whole process was more or less identical to the routine of Iranian politics. If we look at it more carefully we can hardly see any significant alteration in the circumstances prior to or after its inauguration.

Politically, apart from the re-election of Khatami, the reformist Majlis proved incapable of altering the conservative status quo. Socially, although the public (chiefly in the capital) was ever becoming more aware of their rights and gaining more tools to voice them, the broad social fabric still contained many traditional elements which could be conducive to reversing any reformist mandate.[176] Economically, the country was in a steady situation: although the unemployment rate and inflation were ever increasing, the pace of this was slow enough not to trigger a major uprising. The only real change was the development of a public dialogue on issues like the importance of civil society, the value of freedom of expression and to some extent the meaning of pluralism.

Reform can be achieved either by integrated social forces bound to bring about a change—mainly due to a compelling socio-economic situation—or by a well organised reformist elite capable of engineering constitutional changes. By observing Iranian society neither kind of pressure can be seen, although the public are seemingly dissatisfied with government's performance.[177] The middle class is of course in favour of these slogans and has overwhelmingly voted for them four times from 1997 to 2001, but it is logistically unready to conduct another revolution and pay the costs of another mass action. Therefore, the only alternative would be a reform through elite. Khatami's landslide victory

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[176] For instance, the outcome of City Councils elections in 2003 and the seventh Majlis in February 2004, which in both the conservatives won.

[177] For example, the strong operation of the Tehran Stock Market, or the huge eagerness of young people to get into university could be seen as indicators that the society is doing reasonably well and therefore a major outbreak seems unlikely.

created the hope of reform within both masses and parts of elites. Saeed Hajarian argues that Khatami's manifesto recalled the elites to gather and project the process of reform in the Islamic Republic, and parliament is the best place to pursue it.[178] However, since the political structure of the Islamic Republic has been designed to operate according to certain ideological principles, the ideal form of consensus reflected by elites cannot be attained.

All in all, the institution of parliament in Iran has always lacked the essential credibility of acting like its counterparts in democratic countries. In this light, the sixth Majlis is not an exception but a figurative example of another failed attempt of a single-division, short-term democratisation. The following section will discuss major aspects of the sixth Majlis from its pre-election politics to its severe challenges with the conservatives in the legislation of the bills it had promised to pass through. In this section we will pay more attention to the views and performance of prominent reformist MPs. We will also cover the optimistic notions regarding Iran's foreign policy and its rapprochement with the West and in particular, with the US in the aftermath of the sixth Majlis election. Finally, the issue of the legitimacy crisis in the Islamic Republic will be discussed.

4.12.1. THE ELECTION LAW

Article 99 of the Islamic Republic's Constitution was a particularly acute issue in the 1999 campaign phase. The article states: "The Council of Guardians has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly, and the direct recourse to popular opinion and referendum". Questions over the meaning and interpretation of "advisory supervision" were passionately debated in 1999, as the law was used to disqualify about 600 potential candidates in what had come to be a highly politicised process. Perhaps what reflected this most strongly was President Khatami's apology to disqualified candidates during his February 8 speech.[179]

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[178] *Subh-i Imruz*, 16 August 1999.
[179] *Mosharekat*, 9 February 2000.

Ayatollah Hussein Ali Montazeri, who headed the Assembly of Experts in 1979 which prepared the Islamic Republic's first constitution, told seminarians in June 1999 that the way Article 99 is currently implemented; the Islamic Republic actually has a two-stage election process. In the first stage, the Guardian Council selects the acceptable candidates. In the second stage, the public is allowed to choose from among the approved candidates. [180] Montazeri added, "That is clearly in contravention of the spirit and the wording of Article 99. Experts who drafted and approved the Constitution at the first Assembly of Experts never intended Article 99 to convey such a meaning." Montazeri repeated these sentiments six months later, when he said that, "The law [constitution] is explicit on the fact that the supervisory role of the Guardian Council pertains to 'supervision over the elections' and not 'supervision over the candidates'".[181]

In August 1996, the Fifth Majlis approved an amendment to the electoral law that said, "The Guardian Council will have the supervisory task in every stage of the parliamentary elections. This supervision will be expedient and comprehensive in every election related to the Majlis."[182] Moderate deputies tried to modify this by introducing a bill that stated candidates must be given a legal reason for disqualification so they would have a greater chance to appeal. But the Council of Guardian, which must endorse all legislation, rejected this measure, because "in some cases the explanation could create corruption and destroy an individual's reputation."[183]

Moreover, Interior Minister Hujjat al-Islam Abdulvahed Musavi-Lari complained that "the Guardian Council is responsible for supervision and the Ministry of Interior is responsible for administration. Any move which damages

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[180] Weekly *Aban*, 12 June 1999.

[181] Reuters, January 13, 2000. See also *The Guardian*, January 13, 2000. The editors of *Subh-i Imruz*, *Fath*, and *Asr-i Azadegan* had to appear in court because they published parts of these interviews.

[182] *Kayhan*, 12 August 1999.

[183] *Subh-i Imruz*, 21 September 1999.

the separation of responsibilities or puts the supervisor in place of the administrator is contrary to the constitution."[184] Musavi-Lari added that the government tried to reach an understanding with the parliament and the Guardian Council on the election law, "but unfortunately the Guardian Council rejected the single article that was supposed to be the basis of the agreement".[185] At the end of September, the fifth Majlis concluded its discussions on the draft election law, and eliminated Article 60, which gave the Guardian Council authority to "disqualify any candidate for the Majlis who commits any type of offence—or any offence which may affect the outcome of the election—and declare the election null and void".[186]

The Guardian Council continued to increase its powers, declaring in January 2000 that it is not sufficient for parliamentary candidates to be Muslims; they also must show commitment to Islam. The disagreement went further and the rejected legislation was passed on to the Expediency Council for decision-making. The advocates of the motion argued that judging a person's faith and religion "is entirely in the hands of Almighty God".[187] Several political figures sent an open letter urging Khatami to ensure that the parliamentary election was not rigged.[188]

Other aspects of the electoral laws caused problems too. In January, the conservative deputy proposed eliminating second-round run-offs, suggesting that anybody who gains a plurality should win, whereas under then-current laws the winner had to gain at least one-third of the votes. A walkout occurred and it was not possible to form a quorum when deputies objected to the proposal. After a closed-door session the next day, a compromise was reached in which it was

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[184] *Khurdad,* 20 September 1999.
[185] IRNA, 24 September 1999.
[186] *Kayhan,* 28 September 1999.
[187] *Iran,* 5 January 2000.

[188] Voice of the Islamic Republic of Iran, Network 1, January 29, 2000. IRNA, January 4, 2000. Among the letter's signatories were the Secretary-General of the Militant Clerics Association, Mahdi Karrubi, and his deputy Musavi-Khoeniha; the Secretary-General of the Islamic Assembly of Women, Fatimah Karrubi; Islamic Labour Party founder Soheila Jelodarzadeh; and former Ayatollah Khomeini adviser Seyed Mahdi Imam-Jamarani.

decided that whoever earned a minimum 25 per cent of the vote would win and, in case of a second round, the winner just needed to gain a majority.[189]

By 18th December of 1999, about 6,860 applicants, including 504 women and 35 non-Muslims, had registered as candidates for the February parliamentary elections. Five parliamentary seats are reserved for non-Muslims. Within ten days, 401 candidates had been rejected.[190] The candidates' eligibility, in terms of their personal, political, and ideological backgrounds, was investigated initially by administrative commissions in each constituency. The work of these commissions had to be endorsed by supervisory councils that fielded the complaints of disqualified candidates. The supervisory councils endorsed or reversed the decisions of the local commissions on the basis of evidence offered by the rejected candidate. And the supervisory councils had the option of explaining their decisions in cases where doing so would not have (unexplained) "unwelcome consequences".[191] Many candidates were rejected on the basis of Article 28 of the election law which calls for "belief in and practical commitment to Islam and the Islamic Republic system" and loyalty to the constitution and the Guardianship of the Supreme Jurisconsult (*wilayat al-faqih)*. Others were rejected, per Article 30, because they had worked to strengthen the monarchy in the past or had acted against the theocracy more recently.[192]

The Guardian Council announced on January 27 that its investigation of appeals was complete, and it confirmed the rejection of 600 candidates (out of an original total of 758 rejected), and two days later it announced that a further 669 candidates were rejected, with 192 candidacies being reinstated and 99 new candidates being disapproved.[193] The Council's spokesman explained that, "candidates were rejected because their files were filled in mistakenly. The reasons for the rejection of most of the candidates were that they did not have the educational qualifications, were not old enough or had not resigned their

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[189] *Hamshahri,* 15 December 1999.
[190] Ibid, 28 December 1999.
[191] *Iran News*, 20 December 1999.

[192] IRNA, 29 December 1999.

[193] Ayatollah Reza Ustadi, quoted by *Jam-e Jam*, 27 January 2000.

posts in those professions which they were legally obliged to resign. Some of them did resign, but their employers did not accept their resignation within the deadline."[194]

According to the Council's spokesman, the rejection of a candidate did not mean he or she was not worthy: "We just observed the law." Possibly predicting complaints, he also stated: "The council does not favour any particular faction or individuals. And when the final results are announced, the people will definitely make a fair judgment".[195] The politicians were complaining already. Hujjat al-Islam Hadi Khamenei, Secretary-General of the reformist group, the Followers of the Imam's Line, said: "some people, feeling a sense of religious duty, permit themselves to step beyond the bounds of the law when vetting candidates". [196] The head of Iran's Election Headquarters said that "some of the candidates were not even told why they were disqualified, and he wondered why those whose candidacy was approved in previous elections were rejected this time".[197]

Most of the rejected candidates were identified as reformists while others were fairly outspoken opponents of the regime.[198] Among the former group were Islamic Iran Participation Party's founders Abbas Abdi and Ali Reza A'lavitabar. Among the latter group were Heshmatollah Tabarzadi, director of the banned Islamic Union of Students and Graduates, and nationalist-religious figures like Ezattollah Sahabi, Habibollah Peyman, and Ibrahim Yazdi of the banned (but tolerated) Iran's Freedom Movement.

President Khatami also expressed his dismay with 'advisory supervision' at this time. As if to reassure any hardliners, Khatami said during a meeting with students that, "even if we leave this society alone and do not place supervision or conditions over it, the choice of most of the people would be religion,

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[194] IRNA, ibid.
[195] *Jam-e Jam*, ibid.
[196] *Subh-i Imruz*, 25 January 2000.
[197] Interior Ministry Deputy for Socio-political Affairs Mustafa Tajzadeh, quoted by *Iran*, February 2nd 2000. 40 deputies who had served in previous parliaments were rejected this time.
[198] Muhammad Reza Babadi, Tehran's deputy governor and head of Tehran's Election headquarter, quoted in *Iran*, 31 January 2000.

independence, and honour."[199] In an added warning, he said: "We should refrain from useless pressure and strictness, which are called for neither by religion nor by law." A few days later, Khatami restated these themes.[200] He said that the public still wanted Islam, but an Islam that had respect for these people that wanted to see the establishment of a popular government and to have the people decide for themselves and determine their own destiny. Turning to advisory supervision and its critics, Khatami remarked that: "Some people may like this law, some people may not like this law, but the right thing for us to do is to respect the law." Khatami added that "no right should be trampled, neither the right of the voter, nor the rights of the people being elected."[201]

After intense consultation between government and the Council of Guardians, the council announced its ultimate list of 576 rejected candidates on February 7. "The list sent by the Guardian Council to the election headquarters, dated the eighteenth of Bahman [February 7], is final and should form the basis for action."[202] But a week later it was reported that the Council was trying to reject more candidates. [203] Campaigning officially started on February 10 and, two days before the election, the Interior Ministry announced that there were a total of 6,083 candidates running for parliament. The same day, the Interior Ministry announced that 890 candidates had withdrawn, which would bring the total to 5,193.[204] The Council announced on February 15 that all disqualified candidates were provided with written explanations. Those who appealed were given a fair hearing and were shown the relevant documents, except in cases where "this had to be done for legal reasons and for the sake of safeguarding the rights of third persons or the country's interests." [205]

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[199] *Jam-e Jam*, 25 January 2000.
[200] Ibid, 31 January 2000.
[201] *Jam-e Jam*, ibid.
[202] Ibid, 8 February 2000.
[203] Interior Minister, Musavi-Lari, quoted by *Hamshahri*, February 14 2000.
[204] *Iran*, 16 February 2000.
[205] *Jam-e Jam*, 15 February 2000.

4.12.2. THE ANNOUNCEMENT OF CANDIDATES LIST

Although about 10 per cent of the candidates were disqualified by the Guardian Council, many members of the "18-member pro-Khatami Second of Khurdad coalition" were accepted. In theory, this would work to their advantage but one interesting analysis suggested that the conservatives' strategy was to permit many reformist candidates to run so that they would divide and weaken the reformist vote.[206] Also, voters would be so sufficiently confused that they would just vote for the most familiar, that is, incumbent names. Indeed, splits within the reformist coalition had emerged in the autumn over Rafsanjani's acceptability. The leftist groups, in particular the IIPP, refused their support, while the ECP supported him actively. The gap became even wider when an important member of ECP accused the IIPP of eavesdropping on one of its meetings.[207] Eventually, the reformist groups enclosed different candidate lists: the OSU (Office of Student Union), the ECP, the AMC (Association of Militant Clergy), the IIPP and, most interestingly, the Proposed List of Tehran's Journalists.

In Tehran, the IIPP's list had only shared four members with ECP, while 11 names on the ECP's list also appeared on the IIPP's. Of the 26 Tehran candidates supported by the ECP, 15 were also on the AMC's (Association of Militant Clergy) list. There was greater unity in the candidate lists presented by the main conservative factions— the hardliner Islamic Coalition Association and the conservative ACC (the Association of Combatant Clergy). There was even a slight overlap with some ECP candidates appearing on the ACC list. Rafsanjani also appeared on the conservatives' faction list, the Islamic Coalition Association (ICA). [208] The variety of candidates had slightly concerned the reformists as Ayatollah Montazeri suggested that some candidates should withdraw so that the reformist vote would not be diluted. [209] He said: "Candidates should consider the expediency of Islam, the country and their

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[206] Monthly *Iran Focus*, Tehran, ol.3, No 1. January 2000.

[207] Fae'zeh Hashemi of the ECP publicly claimed that *Subh-i Imruz's* directors bugged a meeting and then published the transcript in the paper. Quoted by REF/RL (Radio Free), Iran report, January 3 2000.

[208] *Iran News*, 9 February 2000.

[209] Ayatollah Montazeri is implicitly considered as the reformists' spiritual leader, in contrast to the conservatives whose formal and spiritual leader is Khamenei.

constituency and, if necessary, withdraw in order to create unity and to allow the best person to win."[210]

4.12.3. THE ELECTION CAMPAIGN

By law, the campaigning period lasted just one week, from February 9 to February 16. But newspaper coverage of electoral issues had started much earlier, and obviously many of the newspapers were deemed to be *de facto* party organs.[211] For the reformists the substantial arena of the election campaign was the newspapers, the quantity and quality of which had risen sharply since Khatami had come to office. The penetration rate of published material in Iranian society has always been low.[212] Therefore, political figures realised it was necessary to travel around the country to address 'election meetings' well before the official campaigning began.

As with any political event, most of the meetings related to the reformists' candidates or party activists were accompanied with violence and quarrelling. For example, Ibrahim Asqarzadeh of the OSU was severely beaten and injured when he visited Rasht, a provincial capital in the north of Iran, in January 2000. [213] The IIPP's executive Muhammad Reza Khatami was treated similarly when he visited Sari. [214] In parts of Khuzestan, where some tribes of Iranian-Arab live, ethnic sentiments had been a political issue in the past and according to the *Jumhuri Islami* newspaper, "some of the candidates and their supporters were involved in inciting pro-separatist feelings and provoking ethnic tendencies among the people to obtain votes." [215] There also were reports of election unrest in Tabriz and Ardabil which have large populations of Azeris.

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[210] Ref/RL (Radio Liberty), quoted from Reuters, 12 February 2000.
[211] I.e. *Resala*t belongs to the conservatives, the *Kayhan* promotes the radical right, the *Hamshahri* promoted the moderate right and left (and IIPP), the *Mosharekat* belonged to IIPP.
[212] Hussein Bashiriyah, *Dibachah-yi bar Jami'ah Shanasi-i Siyasi-i Iran*, [An Introduction to Iranian Political Sociology], Tehran, Negah-i Mu'asir Publishing, 1381 [2002], p. 57.
[213] *Subh-i Imruz*, 5 January 2000.
[214] *Iran*, 8 February 2000.
[215] *Jumhuri Islami*, 3 February 2000.

Once the campaign was officially underway, there were more violent incidents. A hard-line pressure group physically assaulted members of the reformist OSU at a rally in Ardabil, and a similar incident occurred in Qum.[216] An IIPP candidate's office in Mashhad was set on fire,[217] and a 16-year-old who distributed IIPP campaign literature was stabbed.[218] An IIPP candidate was attacked when he said Ayatollah Montazeri should be released from house arrest.[219] Two candidates in Tehran said the Law Enforcement Forces attacked their office.[220] A percussion grenade exploded near the headquarter of the former Minister of Intelligence and Security Ali-Akbar Fallahian, a candidate in Isfahan. A week later another one was thrown at his residential house.[221] In response, the hardliners attacked the election headquarters of another candidate, former Interior Minister Hujjat al-Islam Ali-Akbar Mohtashami-Pur.[222]

At an IIPP rally the audience chanted 'Political liberation is impossible with Rafsanjani', and also denounced Fallahian.[223] Bystanders at an ECP Tehran rally destroyed posters of Rafsanjani.[224] A meeting featuring the nationalist figure Habibollah Peyman was disrupted when a fight broke out.[225] In Qazvin, the nationalist journalist Fatemeh Govarai was arrested.[226] In addition to this sensational violence, the election campaign featured serious debate over issues such as limiting judicial power, addressing the serial killings of political dissidents, liberalizing the economy, and improving relations with the United States. There was also some political gamesmanship when the IIPP suddenly changed the order of its candidates list, choosing the president's brother, Muhammad Reza Khatami, as its top candidate. In a clever move, the IIPP also selected an Armenian candidate, Artanus Baghumian, for its Isfahan list.[227] He was one of the only minority candidates ever to be on a mainstream candidate

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[216] *Hamshahri,* 11 February 2000.
[217] This candidate was Ali Tajernia.
[218] Associated Press (AP), 11 February 2000
[219] Ahamd Shirzad, quoted by Reuters, 13 February 2000.
[220] *Subh-i Imruz*, 12 February 2000.
[221] *Kayhan,* 14 February 2000.
[222] *Asr-e Azadegan,* 14 February 2000.
[223] AFP, 13 February 2000
[224] *Kayhan*, 16 February 2000.
[225] *Fath,* 17 February 2000.
[226] Ibid.
[227] AFP, 14 February 2000

list. Voters can either choose one minority candidate or an entire list of regular candidates, but they cannot do both.

The reformists also employed Western campaigning techniques, recognizing that old methods would not work on the younger generation. Campaign slogans shifted away from ideology and revolutionary commitment. The ECP emphasized 'Security, Prosperity, and Freedom' and the IIPP called for "Iran for all Iranians". The reformist candidates often described their academic qualifications or technical experience in promising to build a better future and spoke of themes such as economic reforms, pluralism, greater individual freedom, and the equality of all citizens before the law. Reformists were usually pictured as smiling, like President Khatami, and dressed in a chic suit with designer stubble long enough to meet theological requirements but not long enough to look like a cleric.

The conservatives also changed their approach a little. Two of the main conservative bodies—the Association of Combatant Clergy and the Coalition of the Line of the Imam and Leader—emphasized 'understanding' and 'virtue' in their slogans. In their speeches, however, conservatives most often spoke of their religious qualifications as they promised to maintain the original values of the revolution. Their speeches stressed spiritual integrity and faith in theocracy. In their campaign posters the conservatives did not smile.

4.12.4. THE ROLE OF RAFSANJANI

Rafsanjani was the most flagrant in his attempts to appeal to voters as a reformist. When the ACC criticized President Khatami at the end of September 1999, Rafsanjani distanced himself from the organization; 'an informed source' said that Rafsanjani "had long since discontinued his organic links" with the group (ACC) and "in a distant past" he only "routinely and sporadically" met some of its members." [228] Rafsanjani also advocated some of the causes raised by Abdullah Nuri during his trial. He claimed that the restrictions on Ayatollah

[228] *Iran*, 29 September 1999.

Montazeri would be lifted and that he tried to block Nuri's five-year prison sentence. [229] Regarding ties with the United States, he said: "severance of ties will not continue. I believe that this issue must be resolved some day." He added: "the solution is very clear. The solution is that America demonstrates goodwill." [230]

The next major event in Rafsanjani's candidacy was the release from prison of the former mayor of Tehran (Karbaschi), who was imprisoned in early 1999 on corruption charges, despite his popularity as a reformist. Some commented that Rafsanjani wanted to obtain some credit for Karbaschi's release, while a reformist newspaper claimed that Rafsanjani actually wrote Karbaschi's appeal for clemency.[231] A reformist deputy predicted that Karbaschi's release would bring the Second of Khurdad Front and the ECP closer together.[232] Known as a wave-maker for his part in engineering Khatami's presidential victory, one newspaper asked whom Karbaschi would coronate this time.[233] Yet, the former mayor stayed silent during the campaign period, though he spoke out on Rafsanjani's behalf after the election.[234]

As a substitute Friday Prayer leader, Rafsanjani was in a strong position to discuss campaign issues, since the Tehran Friday Prayers are normally broadcast on state radio and TV. He used this platform to call his critics "sanctimonious extremists" who are acting "just for the sake of gaining a few votes from the people or the uninformed young people".[235] Rafsanjani later suggested that people who were once insiders (*Khudi*) were now at odds with the revolution and sought "refuge in foreign powers and global arrogance".[236] He added that the so-called reformists are actually extremists: "You wouldn't imagine how much I suffered in trying to curb their excesses—hangings, trials, and

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[229] Abdullah Nuri, the former interior Minister, reported by AFP News Agency, 21 December 2000.
[230] AFP News Agency, ibid.
[231] REF/RL, 26 January 2000.
[232] Deputy of Majlis Muhammad Baqir Zakeri, quoted by daily Arya, 26 January 2000.
[233] *Iran,* 26 January 2000.
[234] *Mosharekat*, 23 February 2000.
[235] *Jam-e Jam*, 22 January 2000.
[236] Ibid, 26 January 2000.

confiscation of private property—in the early years of the revolution."[237] Rafsanjani seemed to acquire the most attention because his candidacy was so controversial. But other candidates and parties were also engaged in the early campaigning. Expediency Council secretary Mohsen Rezai, for example, suddenly became a great fan of the Second of Khurdad's movement (reform movement), calling it a 'Golden Page' in Iranian history.[238]

4.12.5. CASTING VOTES

Putting aside the factional benefit of less participation for the conservatives, on the state level the maximum participation was in much need. State officials and religious figures urged the public to vote in the days before the election, although they gave different reasons for doing so. Supreme Leader Ayatollah Khamenei told prospective Hajj candidates in an address broadcast by state radio that they should participate wholeheartedly in the election, because "the elections symbolize the people's participation and restoration of their rights".[239] Saying that voting is both a right and a duty, he added that, "it is important what percentage of people who could vote take part in the elections and vote." He urged the public to vote for candidates who are "able to stand up to coercion, scare-mongering, excessiveness, and avarice of world powers, and assess the problems of the country and the nation."[240]

President Khatami also advised women and the youth, among his greatest supporters, "to participate actively" in the elections.[241] Khatami said that there had been progress in women's affairs, but much more remains to be done if women are to have an active presence in economic, social, and political affairs.

In the same speech, Khatami apologized to disqualified candidates. However, in

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[237] *Iran*, 26 January 2000, although he did not name anybody, but seemed referring to individuals like, Abbas Abdi or Ibrahim Asqarzadeh, who were organizer and conductor in seizing the American Embassy in Tehran in 1979.
[238] *Iran*, 29 January 2000.
[239] *Jam-e Jam*, 15 February 2000.
[240] Ibid.
[241] Ibid, 8 February 2000.

several speeches by Khatami to urge people to take part in the election, his pleas seemed faction-oriented. In a speech marking the revolution's anniversary, he urged people to elect candidates who would not oppose the executive branch's policies.[242] Khatami said: "The government will be able to take more confident steps to serve you, if it were to enjoy the cooperation of a qualified parliament and a parliament which carefully scrutinizes the behaviour and decisions of the executive officials and the judicial authority." Two days before the election, Khatami urged the nation to vote. He said: "Noble and great nation of Iran! Friday is a day for mapping your destiny."[243]

Surprisingly, in the run up to the election, to increase the possibility of a massive turn out, the senior conservatives too joined the campaign in inviting the masses to take part. Senior clerics, such as Sources of Emulation Ayatollah Nasser Makarem-Shirazi and Ayatollah Yusuf Sane'i, recommended massive participation. So did Friday Prayer Leaders such as Ayatollah Abdullah Javadi-Amoli.[244] Hujjat al-Islam Abbas Vaez-Tabasi, supervisor of the Razavi (Imam Reza) Shrine Foundation in Mashhad, said: "If the people are united and if they participate in large numbers in the elections for the sixth Majlis and choose the best candidates, they will defeat our enemies."[245] Ayatollah Montazeri urged people to choose their candidates with care, because if a parliamentarian pursues harmful policies, those who elected him or her are considered accessories.[246] Interior Minister Musavi-Lari also insisted on massive participation, because the "election is a manifestation of republicanism of the system and an opportunity for the entire community to play a role in the management of the country."[247] After all, according to table 5.1, the sixth Majlis election shows that the participant percentage has hit the highest record since 1979.

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[242] Ibid, 11 February 2000.
[243] Ibid, 16 February 2000.
[244] Qum's Friday Pray Sermon, quoted by *Jam-e Jam*, 5 February 2000.
[245] *Jam-e Jam*, 4 February 2000.
[246] *Subh-i Imruz*, 12 February 2000.
[247] *Iran*, 12 February 2000.

Table.5.1 Nationwide participation[248]

	Number Of eligible voters	Number of votes cast & Percentage
First Majlis 1980-1984	20,857,391	10,875,969 %52.14
Second Majlis1984 1988	24,143,498	15,607,306 %64.64
Third Majlis 1988-1992	27,986,736	16,714,281 %59.72
Forth Majlis 1992-1996	32,465,558	18,767,042 %57.81
Fifth Majlis 1996-2000	34,716,000	20,482,440 %59.01
Sixth Majlis 2000-2004	38,726,431	26,082,157 %67.35

4.12.6. THE ELECTION RESULT

Four days after the Election Day on 22 February 2000, the result appeared to show another landslide triumph for the reformists. The reformists' camp won 170 seats in the 290-seat parliament, while hard-liners and conservatives took 45 and independent candidates 10.[249] However, the outcome of 65 seats was left to be decided in the run-off in April. Interestingly, it was the first time since 1979 that the conservatives and the radical right were to lose control of the Majlis in this massive scale; in particular, in Tehran where the whole 30 seats went to the reformists. The other surprise which stunned almost everybody was the magnitude of the personal defeat suffered by former president Ali-Akbar Hashemi Rafsanjani. Being twice president, twice speaker of parliament, he scored badly: coming 40th in an election for 30 seats. Even some of his advocates argued that he made the drastic mistake of standing in the Tehran constituency.[250]

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[248] Source: Interior Ministry Official Website <www.moi.ir/election>

[249] www.bbc.co.uk/world/middleeast/archive/iran

[250] For instance, interview with A'triyan-far, the then Director of Tehran City Council, in *Hamshahri*, 29 March, 2000. (It was before the annulment of 700,000 votes in Tehran, which brought Rafsanjani to 29th place.

All in all, the result was very delightful for the reformists and interpreted as a turning point for the reformists and especially for Khatami in continuing his reforms both in domestic and foreign affairs. For him and other reformists, the result was perceived as the final link in the chain to persuade the conservatives to let them fulfil their plans. Notably, Khatami's first response to the election result appeared in the field of foreign policy. In his speech in the Foreign Ministry he stated:

> Iran's foreign policy will continue to pursue detente as a fundamental principle, as we believe that destiny, security and peace are common interests to humanity. And for this reason we believe in existing alongside and forging relations with, all countries, including the industrial developed world, on the basis of mutual respect and interests. Our policy is to eventually reduce the number of our enemies and the scale of hostilities against our country and to increase the number of our friends and allies—whilst abiding by our principles, especially our sense of Islamic and Iranian honour.[251]

The US's welcoming reaction was unprecedented for more than twenty years. Washington was quick to praise the election, possibly expecting changes in this area. US Secretary of State Madeline Albright commented on the large public participation, saying on 19th of February 2000 that "[the Iranian people's] enthusiasm is testimony to the growing strength of democracy in Iran, which we do welcome."[252] Following to that the State Department spokesman James Rubin's comments on February 21 were even more enthusiastic. All indications are that this election is an event of historic proportions. The Iranian people have demonstrated unmistakably that they want policies of openness and engagement with the rest of the world. They have also made clear their preference for internal policies that allow them greater freedom within Iran. We welcome that.[253]

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[251] *Iran News*, 19 February 2000
[252] www.state.gov/p/nea/ci/
[253] Ibid.

In fact, a new era was to emerge in the scope of the Iranian political gesture. However, the conservatives did not give up instantly and concentrated on the power and authority which had been left to them. Therefore, not surprisingly, the Guardian Council in a statement on 21 April announced a considerable number of irregularities in the election result of the Sixth Majlis in the Tehran constituency.[254] Consequently, and according to its unlimited authority on supervision of the elections, the council declared the annulment of 726, 266 votes out of the total of 2, 931, 113 votes cast. As the remaining 2, 204, 848 votes cast were recounted, 28 candidates garnered 25 per cent (551, 212) of votes, and were declared elected to the Majlis from the Tehran constituency. Notably, the annulment done by the Guardian Council caused the sole elected deputy of the IFM be removed from the list and instead Haddad Adel (a conservative) was entered as the elected candidate.[255]

The result of the election shocked the conservatives as their absolute defeat was more than apparent. Except for the office of leadership, they could now only preserve the judiciary and the Guardian Council. Thus, utilising these two (un-elected) constitutionally institutions was top of the agenda. Obviously, the first encounter between a reformist Majlis and the conservatives occurred during the approval process of the election result, where the endorsement of the Guardian Council is required legally. By approving only 27 constituencies (excluding Tehran) and the election of 157 delegates to the Majlis in the first round, it became apparent that the sixth Majlis would not have enough majorities to be inaugurated as scheduled on May 27 2000.

The Guardian Council was to suspend Tehran's election under the excuse of widespread misconduct and delinquency during Election Day and counting votes. The decision was to put a hold on Tehran's election result which, in practice, prevented the Majlis from being inaugurated. That caused a serious crisis in the summit level of the regime and the government pleaded the Leader to urge the Guardian Council to endorse the election. Also, the Guardian Council was under pressure to confirm the results of polls in 28 out of 52 constituencies,

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[254] *Kayhan,* 1 April 2000.
[255] Ibid, 6 April 2000.

where run-offs were held on May 5 to elect 66 remaining deputies of the sixth Majlis. The Majlis, comprising of 290 deputies, can formally convene with 194 delegates. It seemed that the Guardian Council was not willing to approve the minimum constituencies in order to enable the Majlis to be inaugurated according to the schedule. Again, it was the Leader who solely and powerfully can resolve all the difficulties.[256] After all, there could not be a great difference among reformists' candidates, largely due to the Guardians Council's vetting process. Some had warned that the election results might not be translated into real changes or increased transparency because "Iranian politics is a lot like a private club."[257]

Although the conservatives formed a minority in the sixth Majlis, their ability to maintain influence over the legislative process was not constrained. Instead, they tried to reach out to "independent deputies and moderate reformers in an effort to isolate the more radical reformers".[258] In their effort, they focused on incumbent left deputies whose political careers went back to the early years of the revolution and who according to the conservative newspaper *Kayhan*, "are keener on preserving the Islamic Revolution's interests and values than serving factional interests."[259] This tactic proved useful by the conservatives when reformists tried to repeal the restrictive press law that paved the way for the closure of over a dozen newspapers in April 2000. An overwhelming vote to repeal the law was expected to indicate that the conservatives would have to face a serious battle during the sixth Majlis. The conservatives were afraid the reformists would pass such a vote, even though the Guardian Council had the power to reject it. The motion was withdrawn by the Speaker Karrubi upon Ayatollah Khamenei's recall.

However, the 2000 election was somewhat like the 1997 presidential election in that voters registered a protest. Many analysts believe that Iranians, on both occasions voted against the status quo.[260] The elected deputies were the

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[256] Weekly *Shoma*, the Organ of Mu'talifah Party, 22 April 2000.
[257] AFP News Agency, 17 February 2000, quoted Khosro A'bedi a political observer.
[258] *Kayhan*, 24 September 2000.
[259] Ibid.
[260] *Asr-e Azadegan*, 5 March 2000 quoted I'mad al-din Baqi.

candidates who had protested against the current situation and it was enough for voters to make them elected.[261] However, it is hard to say what the public voted for, because the candidates were members of a wide variety of political factions (not in Tehran, but across the country). Even provincial factions within major coalitions had different candidate lists. In short, the defeat of the conservatives' candidates was the victory of the reformists'. Yet, it should be emphasised that the meaning of *reformist* in the recent political literacy of Iran is rather vague and indeterminate, as has been discussed earlier in this chapter.

Nevertheless, the new Majlis would have to face many of the same issues that its predecessor faced, including restricted press laws, restrictive electoral regulations, social codes that were unevenly enforced, a weak economy and high unemployment, privatisation of state-owned industries, and troubled relations with the United States. With hindsight, the new parliament's ability to act was severely limited. The Council of Guardians must approve all legislation before it becomes law. State security organizations, the military and state broadcasting are under the supervision of Supreme Leader Ayatollah Ali Khamenei's office and are not answerable to the executive or legislature. Even to mark the prospective challenge, the Press Courts and the Special Court for the Clergy launched a new wave of banning and imprisonment of socio-political activists.[262]

In addition, the humiliation imposed on Rafsanjani could not be considered beneficial for the reformist camp, although the radical reformists primarily thought differently. In fact, contrary to what most reformists believed, the defeat of Rafsanjani did not result in his leaving the scene, but that he automatically joined the camp of the conservatives. Whether it was a miscalculation by the reformists or a measure to purify the reform movement, it cost the reformists far beyond previous estimations.[263] His role as the head of the Expediency Council further confused the situation. In this position, however, he continued to have a great deal of power over legislation. Bitterly for some reformist groups, they now had to moderate their hostility toward him to reach a compromise if the

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[261] Ibid.
[262] Gary Sick, 'Iran's Election: Out of Chaos, Change', in *Middle East Economic Survey*, 28 February 2000, p. 27-28
[263] *Payam Imruz*, in an interview with Ziba Kalam, February 2000.

legislative body was to be obstructed by the Guardian Council. However, there was still disunity among the various reformist groups, which may have resulted in intra-factionary conflicts.

New representatives of the political affiliations predicted how they would vote on crucial legislations. In the previous parliament, the large block of independents did not follow any consistent voting pattern because the deputies voted in opportunistic, rather than ideological, terms.[264] On local issues, they voted to benefit their constituencies, but on wider, national issues, they voted in an ultra-factional fashion. And when they did so, they were not accountable to any political organization.[265] Such problems also existed in the new parliament. Many candidates who called themselves independents were in fact conservatives, since once in office they voted against reformist legislation.[266]

Beyond the optimistic speculations about the sixth Majlis and its reformists' majority, the volume of a pragmatic and pre-planned agenda was low; reformist newspapers then proceeded cautiously, warning that "the people should not have wonderful expectations of the reformists."[267] Another daily newspaper warned: "Let's be careful! Let's study this golden age."[268] Also, it was not clear what the reformists' plans for the future were. One reformist daily asked: "The elections are over, what will happen tomorrow?"[269]

Saeed Hajarian of the IIPP predicted that the reformists' strategy would not be factional, because all the factions had worked together in the past, and would therefore enact a four-year (the length of a term) national strategy. Reformist candidate Behzad Nabavi warned: "We should not be after outlandish programmes and must not create expectations among people."[270] However, the newly elected representatives also made contradictory statements about their

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[264] I.e. MP Tatari, an independent deputy of Kermanshah who would constantly swap between different factions.
[265] Ahmad Shirzad, What are the independent candidates committed to? *Mosharekat*, 13 January 2000.
[266] Abolfazl Bazargan (Son of Mahdi Bazargan), cited in *Subh-i Imruz*, 25 January 2000.
[267] *Ham Mihan*, 23 February 2000.
[268] *Asr-e Azadegan*, 23 February 2000.
[269] *Arya*, 19 February 2000.
[270] REF/RL, the Bulletin, 21 February 2000.

immediate plans. For example, on one hand, new Isfahan representative Rajabali Mazru'i said a first step would be to change the law banning satellite dishes.[271] Soheila Jelodarzadeh, on the other hand, said women's issues would top the agenda.[272] To this end, a reformist newspaper highlights:

> The people who elected the reformists in February are the same ones who elected President Khatami in 1997. Until now, his supporters have been able to argue that a conservative parliament has blocked Khatami's plans and a reformist majority in the Majlis eliminates this excuse. Thus, if the socio-political reforms which were promised are not forthcoming, and if the jobs people need did not materialize, Khatami may lose much of his domestic public support.[273]

In contrast, the conservatives stressed the necessity of economic improvements. They pointed to the fact that the country was suffering an estimated 25 per cent inflation rate.[274] Now it was the conservatives' turn to highlight the economic deficiencies and reflect upon the unsuccessful attempts to build up the country. For sure, the conservatives did so at the expense of downgrading the socio-political reforms upon which the new Majlis was elected. An editorial in one radical newspaper published the following sentences which portrayed the new gesture by which the conservatives planned to deal with the issues:

> The unemployment is officially at 16 per cent, which in effect is estimated to be at least 25 per cent. Even those who are employed often go unpaid for months. Iran is dependent on food imports because of under-investment, mismanagement, and corruption in the agricultural sector, which has led to more unemployment and greater reliance on subsidies.[275]

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[271] AFP, 22 February 2000.
[272] *Iran*, 27 February 2000.
[273] *Asr-e Azadegan*, Editorial, 28 April 2000.
[274] *Resalat*, in editorial, quoted an statistic from Iran Fact Book, 1380, 2001.
[275] Ibid.

But a reformist deputy, Muhammad Baqir Zakeri, had warned even before he was re-elected that none of the political factions had a clear economic plan.[276]

4.13. THE PERFORMANCE OF THE SIXTH MAJLIS

There are various opinions regarding the legislative performance of the Sixth Majlis. Perhaps the best way is to categorise its performance in economic and socio-political issues. According to *mellat* website, the economic legislations of the sixth Majlis outnumber the socio-political ones.[277] Given the constitutional barrier, the Majlis actually enjoys great deal of power over the government. Practically, the government cannot function without achieving the Majlis' consent. Nevertheless, other constitutionally defined institutions have overridden the Majlis authority and undermined it. For example, every politically motivated legislation of the Sixth Majlis was rejected by the Guardian Council. At the same time, the conservatives accused the reformists of abusing the parliament as their political tool by insisting on passing legislations incompatible with Islam.[278]

Statistically, not more than 3 per cent of all legislations were politically related. In this interwoven situation, therefore, analysing and evaluating the performance of the Sixth Majlis is rather difficult. Within the circles of political elites, there are three perspectives towards the Sixth Majlis: reformists, moderates and conservatives. The reformists approved of and praised the overall performance of the Sixth Majlis despite all the predicaments.[279] The moderates valued the formation of the Sixth Majlis, but criticised how the reformist MPs acted and even manipulated the whole reform mandate to their own narrow perceptions and interests.[280] The conservatives, however, saw the Sixth Majlis as a threat to the existence of the Islamic revolution.[281]

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[276] *Javan,* affiliated to the Islamic Revolutionary Guard Crop (IRGC) Tehran, 25 February 2000.
[277] The Official website of Iranian Majlis: <www.mellat.majlis.ir>
[278] Keyvan Mehregan, *Kamyabi-ha va nakami-haiyyih Majlis Islahat* [the successes and failures of the reformist Majlis], cited by MP Jalal Jalali zadeh in his interview with the author, Tehran, Omid Iranian Publishing, 2005,p. 68.
[279] See the interview with MP Rajab Ali Mazrui', cited in *Kamyabi-ha*, ibid, p.33-42.
[280] In an interview with Hussein Mara'shi, ECP MP in the Sixth Majlis.
[281] See various volumes of *Subh-i Sadiq* (IRGC organ) and *Partu-i Sukhan* (Imam Khomeini's Research Centre affiliated to Ayatollah Mesbah Yazdi) during 2000 and 2003.

MP Mazru'i argues that the Sixth Majlis fulfilled its historical mission within the framework of the Islamic Republic by opening a new chapter in legislating. Serious attempts by the reformist MPs to ratify democratic legislations belong exclusively to this Majlis. He explicitly points out to the legislations on "defining political crime", "prohibition of torture" and also "jury committee" as fundamental laws for running a country democratically. However, due to "constitutional barriers these legislations did not become law and remained as the 'Sixth Majlis's resolutions'."[282] He acknowledges that the reformists wanted to protect the Islamic Republic by implementing some reforms.

The moderate view is represented mainly by the ECP members. The following is the extract of an interview with MP Hussein Mara'shi.[283] He is a close relative and ally of Rafsanjani and was a key candidate in the joint list of IIPP and ECP for the Sixth Majlis election.

Q: Do you agree with this statement that the Sixth Majlis was the most democratic parliament in the Islamic Republic?

A: No, the Sixth Majlis maybe was more democratic than the Fifth or the Fourth Majlis, but the Sixth Majlis like the Third Majlis was in the hands of the left faction. The experience proved that such political monopoly led to a full-fledged right-wing (conservative). It happened at the Sixth Majlis too, when it was replaced with an anti-reform Majlis (the Seventh).

Q: What do you think about the inclusiveness of the candidates running for the Sixth Majlis? Do you not think that it was the most democratic one?

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[282] Keyvan Mehregan, *Kamyabi-haa*, ibid.
[283] This interview was conducted by the author on the 11th of April, 2006 in Mr.Marashi's office in Tehran.

A: No, if you want to compare, the First Majlis was the most democratic since the liberal candidates also could run. It is not the case for the Sixth Majlis. For example, IFM candidates were barred from taking part.

Q: What about the participation rate?

A: Well, it is an important index to evaluate the legitimacy and significance of any elected body. Nevertheless, it does not make the Sixth Majlis the most democratic one. I believe that the First Majlis was democratic.

Q: How do you measure the performance of the Sixth Majlis?

A: I think that the Sixth Majlis failed in delivering its goals by inclining towards political activism instead of focusing on its main task which is legislation.

Q: So do you see the failure of the Sixth Majlis due to the structural paradox of the Islamic Republic, or due to lack of a coherent and suitable programme by the reformists?

A: I add another dimension to your question and that is the pathology of the whole reform mandate which began with Khatami's presidency in 1997, May 23rd. The movement had no organisational plan, strategy or directing management. We experienced a complete chaos in political leadership. No contingency plan was in place and political figures merely acted to their instinct.

Q: You mentioned the lack of leadership, where do see Khatami's role?

A: President Khatami ought to act more effectively. To my opinion, he acted reluctantly

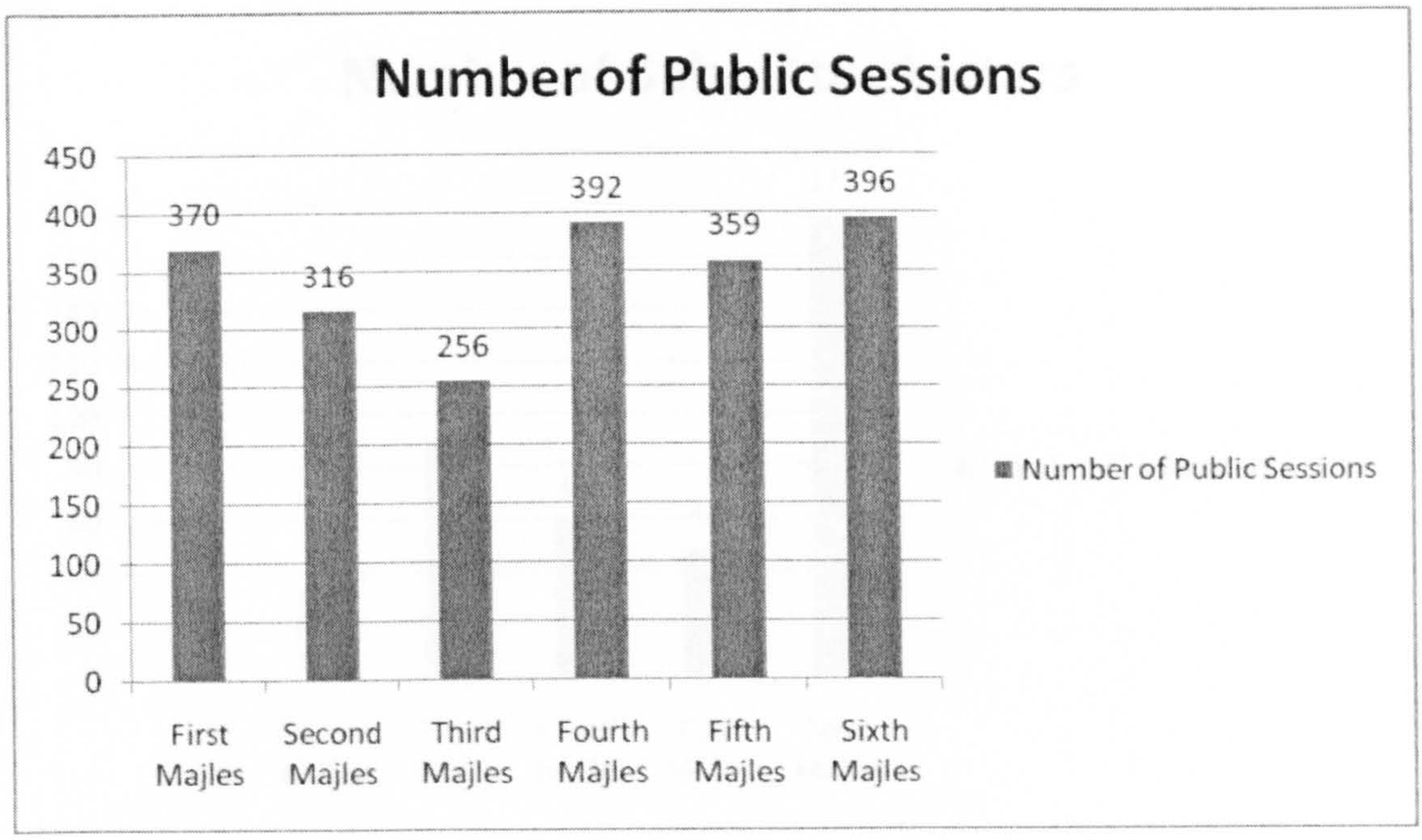
Q: In this case, do you not see any conflict of interest between the office of President and being partisan in politics?

A: No, he needed to act as the head of the winning party. Although I admit that the current Constitution would not easily allow for such manoeuvring.

Statistically, the Sixth Majlis has performed more effectively compared to its predecessors. In other words, in terms of parliamentary function was the most active parliament in terms of holding public sessions, receiving letters from the public, conducting investigative inquiries, questions cabinet ministers, warning the ministers and impeaching them. It shows that although the Sixth Majlis was not successful in reforming the political structure, it performed well in terms of its supervisory mission and upholding public scrutiny over the government. It is noteworthy that, despite the affinity between Khatami's reformist government and the reformist Sixth Majlis, the number of impeachments at this period is more than previous parliaments.

The following charts demonstrate the abovementioned statement with more detail:[284]

[284] Author has collected the data from the Centre for Research for the Majlis in Tehran, April 2006.


Number of Public Sessions
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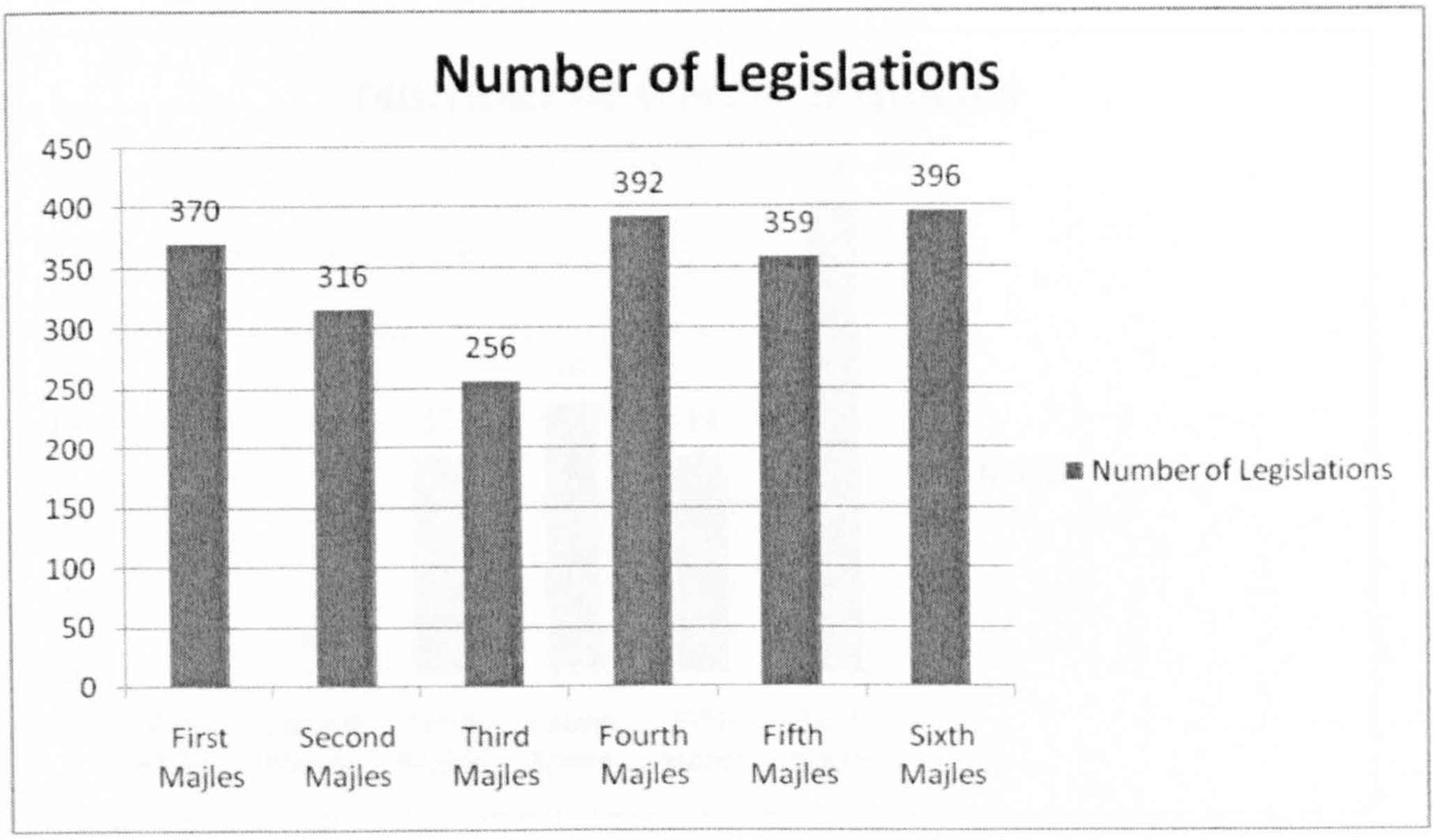
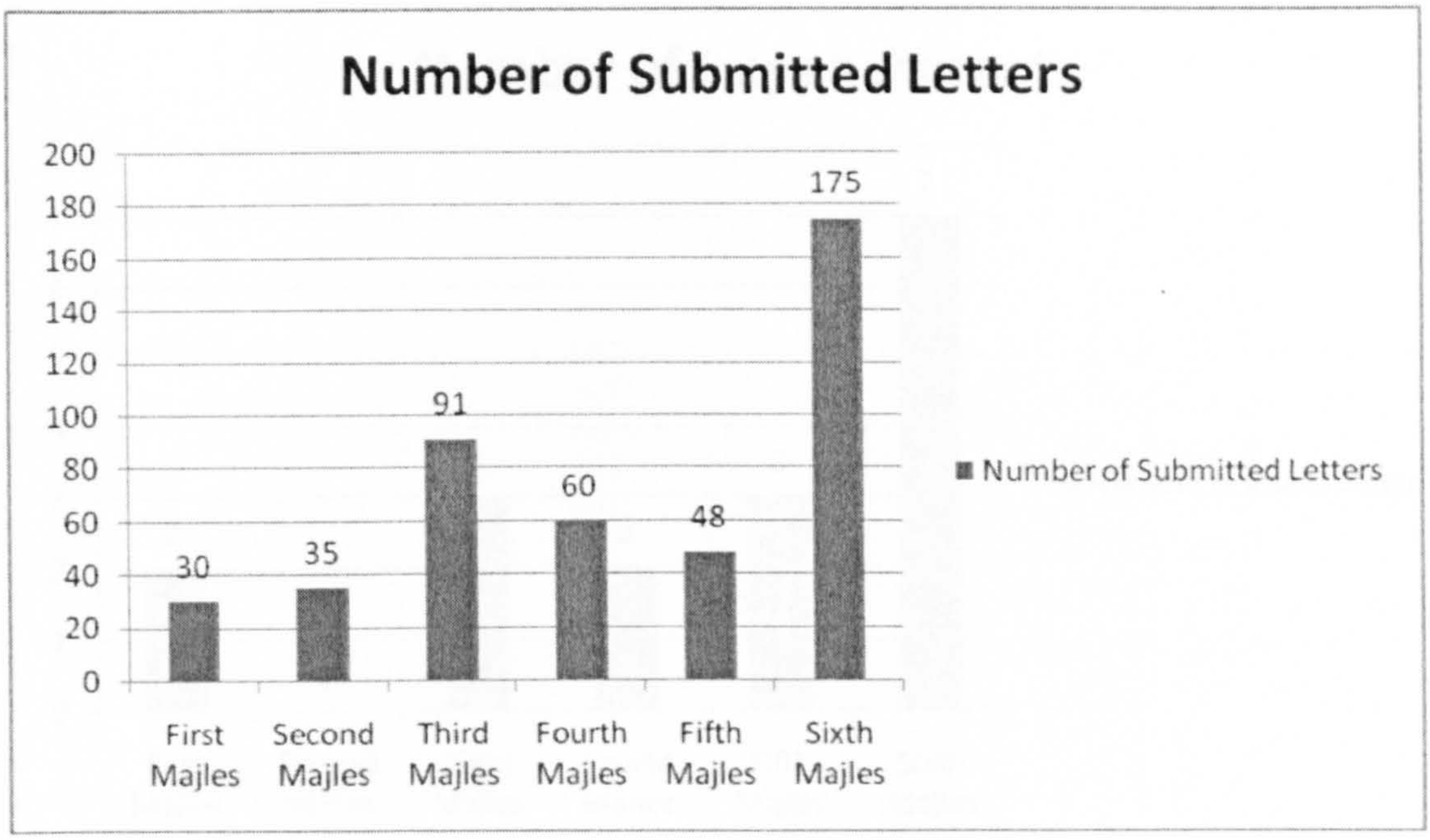
400
350
300
250
200
150
100
50
0
370
316
256
392
359
396
First Majles
Second Majles
Third Majles
Fourth Majles
Fifth Majles
Sixth Majles
Number of Public Sessions


Number of Legislations
450
400
350
300
250
200
150
100
50
0
370
316
256
392
359
396
First Majles
Second Majles
Third Majles
Fourth Majles
Fifth Majles
Sixth Majles
Number of Legislations


Number of Submitted Letters
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180
160
140
120
100
80
60
40
20
0
30
35
91
60
48
175
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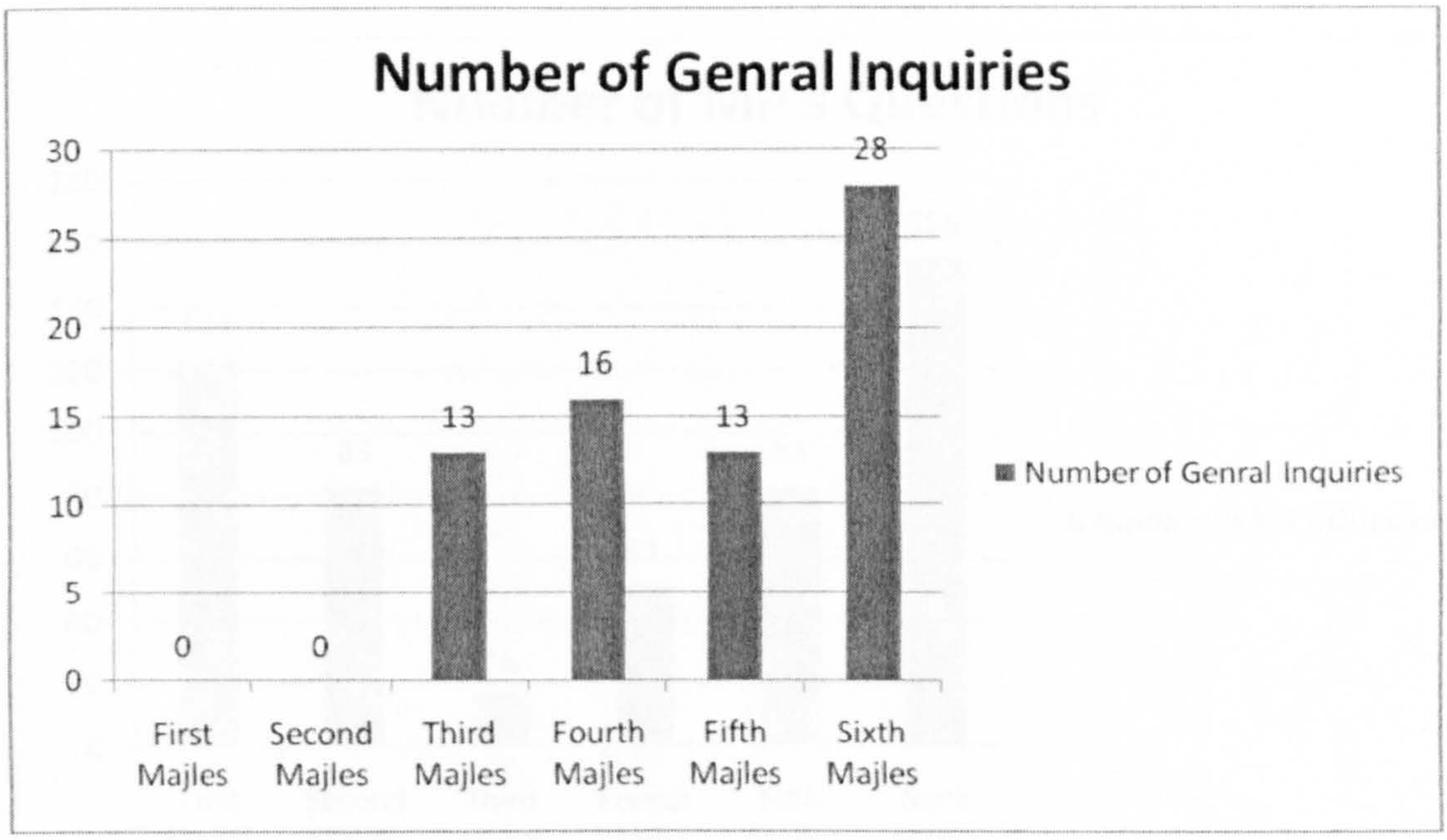
Second Majles
Third Majles
Fourth Majles
Fifth Majles
Sixth Majles
Number of Submitted Letters


Number of Genral Inquiries
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25
20
15
10
5
0
0
0
13
16
13
28
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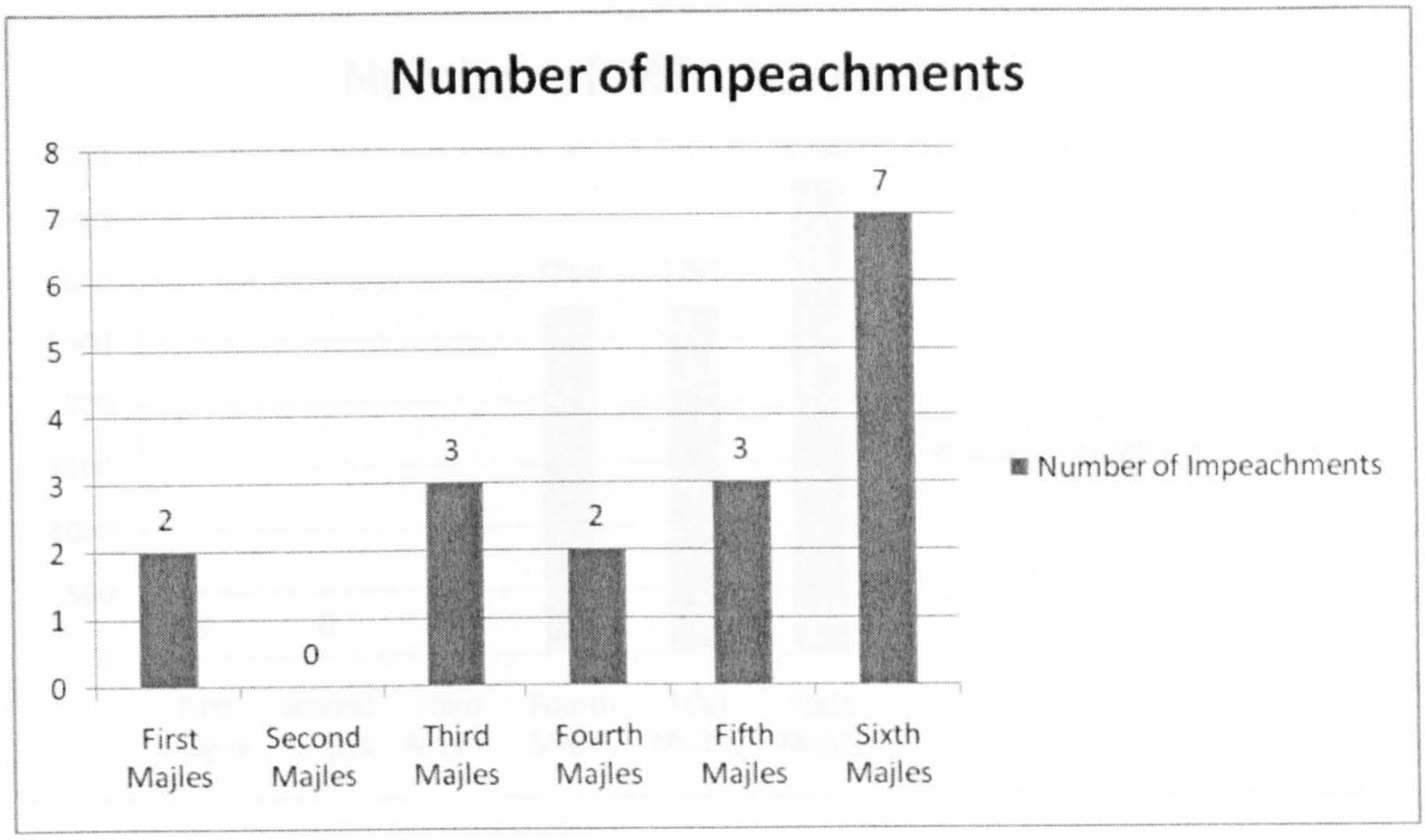
Second Majles
Third Majles
Fourth Majles
Fifth Majles
Sixth Majles
Number of Genral Inquiries


Number of Impeachments
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7
6
5
4
3
2
1
0
2
0
3
2
3
7
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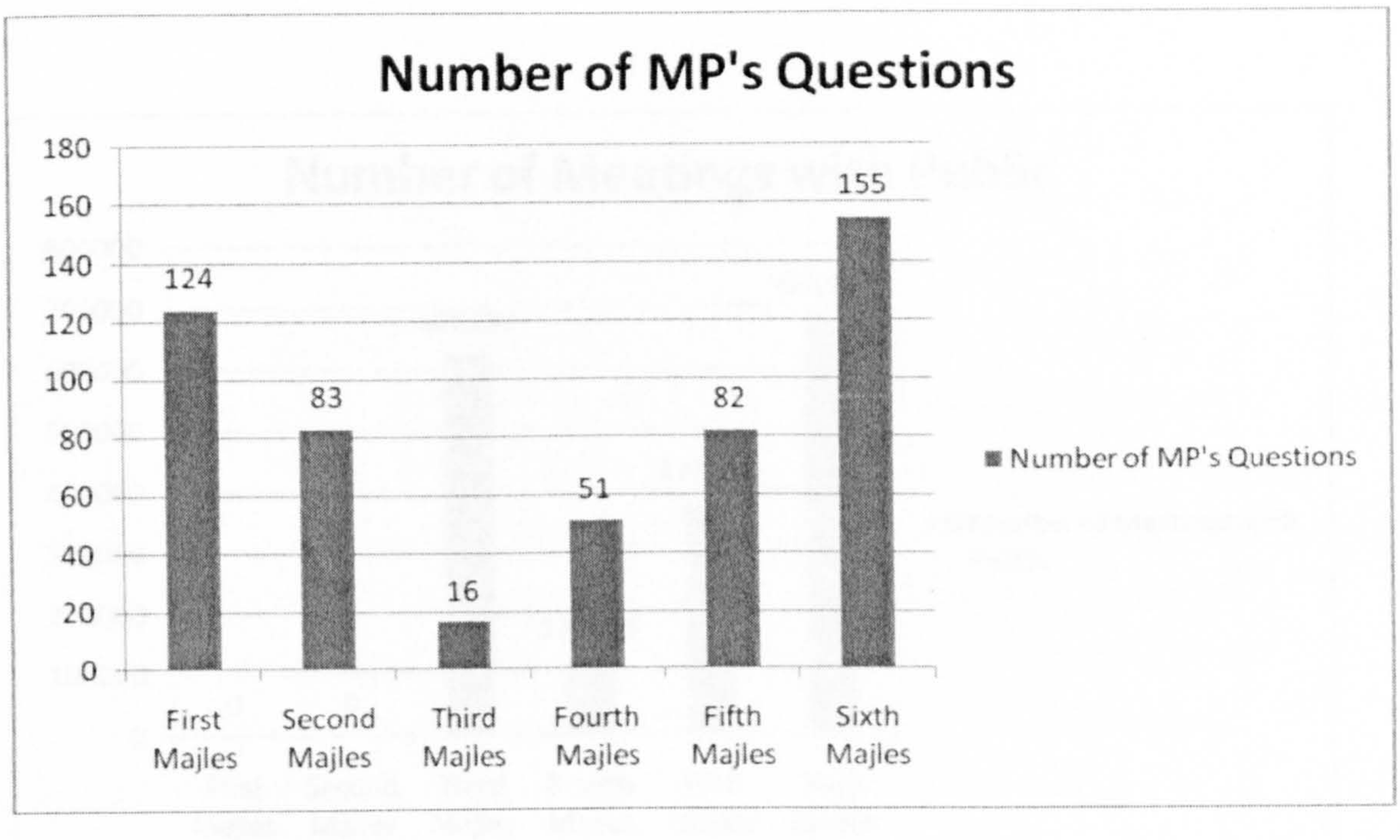
Second Majles
Third Majles
Fourth Majles
Fifth Majles
Sixth Majles
Number of Impeachments


Number of MP's Questions
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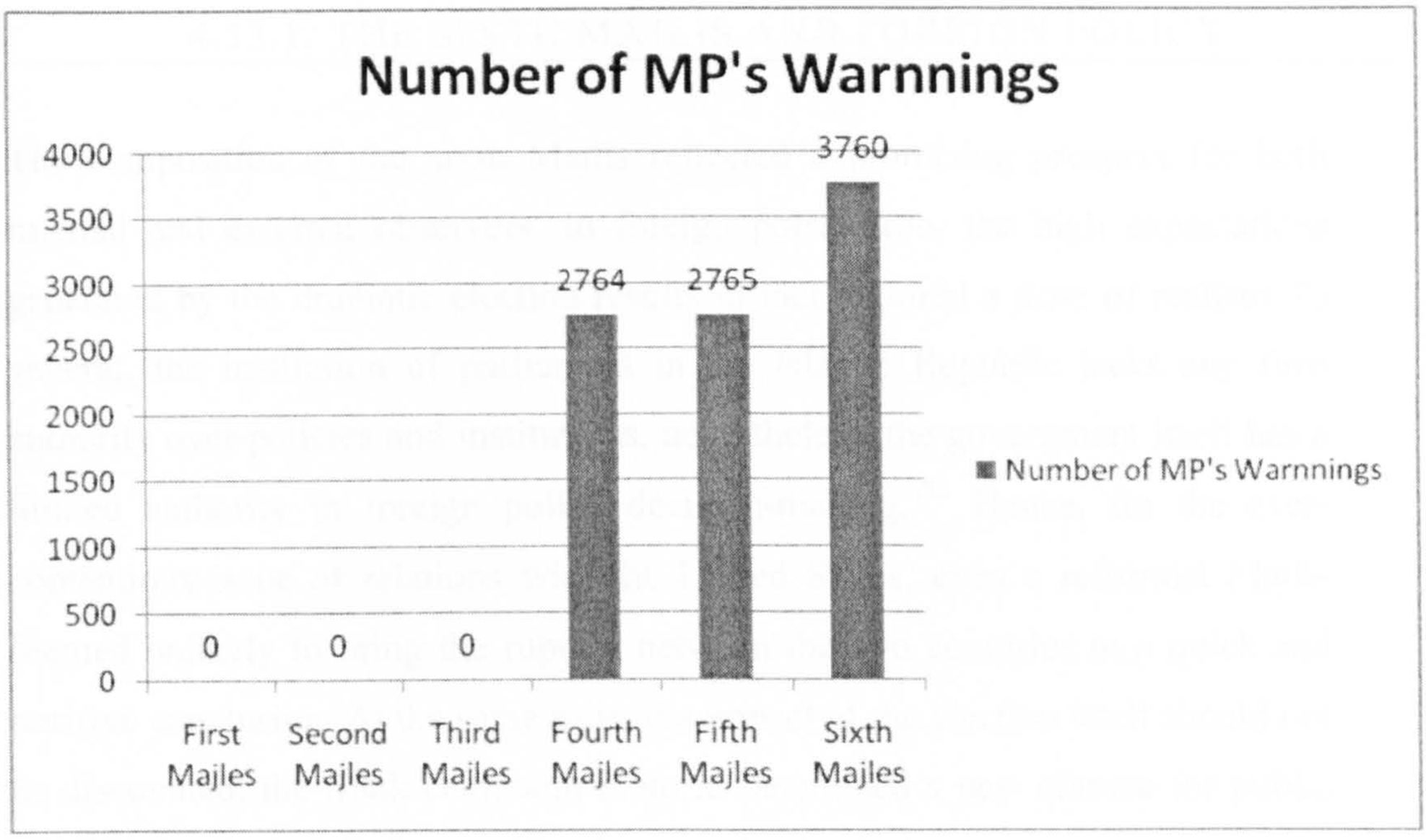
160
140
120
100
80
60
40
20
0
124
83
16
51
82
155
First Majles
Second Majles
Third Majles
Fourth Majles
Fifth Majles
Sixth Majles
Number of MP's Questions


Number of MP's Warnnings
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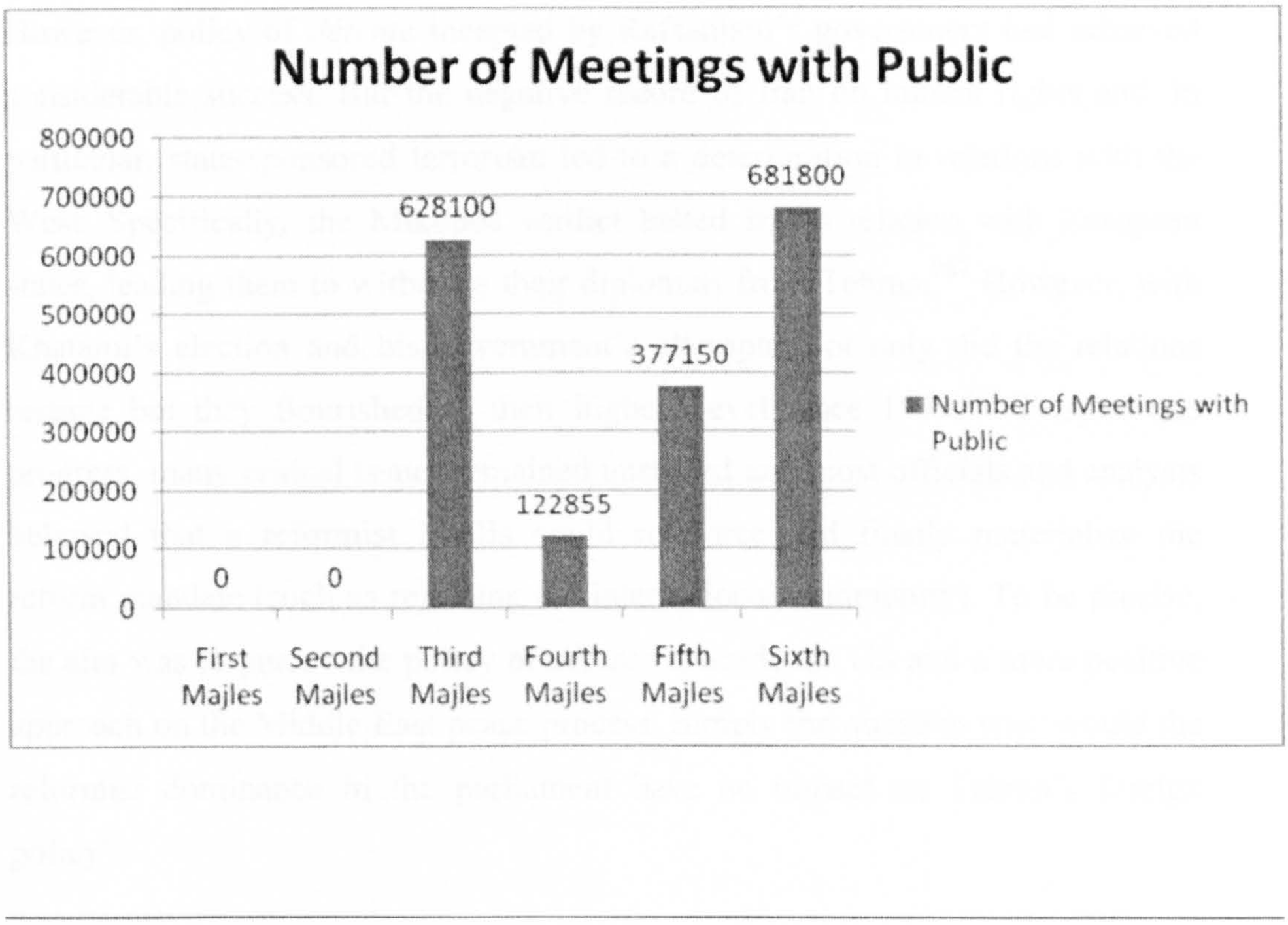
3500
3000
2500
2000
1500
1000
500
0
0
0
0
2764
2765
3760
First Majles
Second Majles
Third Majles
Fourth Majles
Fifth Majles
Sixth Majles
Number of MP's Warnnings


Number of Meetings with Public
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700000
600000
500000
400000
300000
200000
100000
0
0
0
628100
122855
377150
681800
First Majles
Second Majles
Third Majles
Fourth Majles
Fifth Majles
Sixth Majles
Number of Meetings with Public

4.13.1. THE SIXTH MAJLIS AND FOREIGN POLICY

The composition of the sixth Majlis reflected a promising prospect for both internal and external observers. In foreign policy, too, the high expectations generated by the dramatic election results in fact required a dose of realism. In general, the institution of parliament in the Islamic Republic lacks any firm authority over policies and institutions; nevertheless, the government itself has a limited authority in foreign policy decision-making.[285] Hence, for the ever-contentious issue of relations with the United States, even a reformist Majlis seemed unlikely to bring the rupture between the two countries to a quick and positive conclusion. At the same time, the impact of the election itself should not be discounted; the frank campaign rhetoric sanctioned a new climate for public debate on all these issues, and the outcome has empowered a distinctly less radical agenda and a new state of parliamentarians keenly attuned to the demands of a disenchanted public.[286]

However, policy of *détente* incepted by Rafsanjani's government had achieved considerable success. But the negative record of Iran on human rights and, in particular, state-sponsored terrorism led to a deterioration in relations with the West. Specifically, the Mikonos verdict halted Iran's relation with European states, leading them to withdraw their diplomats from Tehran.[287] However, with Khatami's election and his government's attempts, not only did the relations resume but they flourished to their highest level since 1979.[288] Despite this progress, many critical issues remained unsolved and most officials and analysts believed that a reformist Majlis could reinforce and finally materialize the reform mandate (such as rejoining the international community). To be precise, the aim was to pursue the policy of *détente* towards the US and a more positive approach on the Middle East peace process. Simply the question was: would the reformist dominance in the parliament have an impact on Tehran's foreign policy?

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[285] *Sharq*, 20 June 2004, cited President Khatami's *Letter for the Future*.
[286] *Middle East Policy*, June, 2000, Suzanne Maloney
[287] In 1994 in Germany at Mikonos restaurant a group of opponents of the Islamic Republic were assassinated. After nearly two years investigation by Germany's Prosecution authority, Iran's officials were charged with commanding the terror and their name submitted to the Interpol for arrest.
[288] For example, consider President Khatami's state visits to France, Germany and Italy.

Some deputies were hopeful that their weight could be influential. To this end, the Committee of Foreign Affairs and National Security launched a series of parliamentary trips to Western countries, aiming to promote and strengthen the relation between Iran and "the global community far beyond governmental capacity".[289] In the meantime, Iran's Supreme National Security Council allegedly voted in favour of improving relations with the United States. Not surprisingly, the motion was vetoed by the Supreme Leader Ayatollah Khamenei.[290] Though most reformists attribute the failure of rapprochement with the US to the conservatives' opposition and, at the top, the Leader Khamenei, the complexity of Iran-US relations is also a matter of principle. As the Majlis deputy and a leading reformist, Muhammad Reza Khatami repeated Tehran's normal policy stand when he said: "We are interested in *détente* and in the birth of relations based on *equality* and on *mutual respect*. But we want concrete acts, like for example the lifting of the embargo, not mere diplomatic bowing and curtsying."[291]

On the other hand, Clinton's administration was reaching a turning point in dealing with Iran. However, the State Department spokesman James Rubin described the kind of changes the US government hoped to see in Iran: "For our part, we would like to see a change in specific policies of concern. They relate to Iran's attitude towards the Middle East peace process, they relate to the seeking of weapons of mass destruction and the support for terrorism".[292] But Secretary of State Madeline Albright offered an unconditional negotiation with the Iranian government.[293] Ironically, the offer was rejected by Iranian foreign minister Kamal Kharazi. He claimed that at that stage any negotiation with the US was pointless, because the US government was not honest.[294]

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[289] *Mosharekat,* cited deputy Mirdamadi, Chairman of National Security and Foreign Affairs Committee

[290] *Asr-e Azadegan,* April 21, 2002, which by revealing this news was prosecuted and banned from publishing.

[291] *Yas-i Naw*, 24 June 2000.

[292] Ibid, 26 June 2000.

[293] *Bahar*, 9 May 2000.

[294] Ibid, 14 May 2000.

More interestingly, the Majlis not only lacked the authority or even a consultative role in foreign policy, but it was also implicitly banned from talking about it.[295] There were some reports in spring 2002 which indicated that a series of negotiations between Iran and US were underway.[296] However, some reformist deputies described them as the secret Iran-US talks. For instance, Mohsen Mirdamadi who at the time was head of Majlis' National Security and Foreign Policy Committee discussed the advantages of Iran-US talks, subject to informing the Majlis. According to him, the committee was told that such talks had indeed been conducted in Cyprus by foreign ministry personnel and with the approval of very top officials (implying the Supreme Leader). Mirdamadi went further and added: "We must direct our policy [towards the US] in accordance with the needs of the time. In the past, hostility to the US suited our interests, but this is not the case today. Our interests today lie in openness towards the US."[297] However, the Iranian foreign ministry emphatically denied that the talks had taken place.[298] Consequently, the Supreme Leader Ali Khamenei ruled out any talks with "the Great Satan" and described it as treason.

Soon after, the Tehran Justice Department rushed to announce that it had decided to put on trial journalists who promoted dialogue with the US, claiming that this was based both on Khamenei's directive and on Iran's Press Law. Surprisingly, the judiciary also prohibited newspapers from interviewing Majlis' deputies if the correspondence related to Iran-US relations. Some argued that the reason behind such a harsh reaction by the Leader could be that the reformists were close to success in opening a dialogue between Iran and the US.[299]

The event caused reformists both in the Majlis and the press to protest against this obvious restriction. However, President Khatami did not side with them. Instead, he made a general call for the freedom of deputies to voice their views while at the same time urging deputies to respect other organs of the state.[300]

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[295] The ban was issued by the Supreme Council for National Security.
[296] Iran and US both confirmed the meetings but stressed that the mandate was about Afghanistan and Iraq, not mutual relationship.
[297] *Norouz*, 7 May 2002.
[298] *Iran News*, 9 May 2002.
[299] *Bunyan*, 19 May 2002.
[300] Ibid, 21 May 2002

Deputy Elahe Kulayi called the judiciary's action an "unconstitutional move". She strongly criticized the decision of Tehran's judiciary as shocking and stressed that "no entity may encroach on the legislative branch's rights by setting laws and regulations of its own as the Tehran Justice Department did, not even in the name of protecting the independence and territorial integrity of the country."[301] Naser Qavami, Chairman of the Majlis Committee for Legal Matters, also called the Justice Department's decision 'unconstitutional', since promoting dialogue with the US is not a crime.[302] Muhammad Reza Khatami, deputy Majlis chairman, stated that the decision was "illegal and illegitimate", warning that expression of opinions could not be stopped by force.[303] Majlis Judicial Committee reporter, Muhammad Kazemi, also stated that the "Press Law" does not deem relations with a foreign country to be a crime.[304]

The judiciary's ruling was even faced with criticism from moderate officials as a dangerous move against freedom of expression and freedom of the press. Culture and Islamic Guidance Minister Ahmad Masjed Jame'i warned against treading on the red lines of the freedoms of expression and the press: "Press activities are beyond the authority of provincial organizations (such as the Tehran Justice Department)."[305] In fact, it was a clear violation of the constitutional rights of both the Majlis and the press. It is worth remembering that Article 113 of the constitution stipulates the President's right and duty to protect and guarantee the Constitution.

Surprisingly, Khatami only addressed the issues of the power struggles between the reformists and the judicial system days after the Majlis members and the reformist journalists set the tone. As always, he spoke out only after Supreme Leader Khamenei stated that the status of the Majlis must not be harmed. In his speech before the Majlis, Khatami protested the Judiciary's supremacy over the Majlis and challenged the judiciary's attempts to restrict the Majlis activities. He emphasized the Majlis legislative authority and its supervisory authority over

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[301] *Iran Daily*, 27 May 2002.
[302] *Norouz*, 27 May 2002.
[303] Ibid.
[304] *Iran*, 27 May 2002.
[305] Ibid.

other government bodies: "Despite the independence of the judiciary, the Majlis must be fully aware of how people are treated by the judiciary just as it has to be fully aware of other ministries' performance".[306]

He complained about the devaluation of the Majlis status, particularly in its present session, and criticized the conservatives' disrespect towards Majlis members. He said: "How come insulting the parliament has become as good as gold, but insulting certain other circles (the conservative dominated bodies) is regarded as damaging the system?" He also complained about his own weakness, being responsible for supervising the proper implementation of the constitution, yet having no power to punish those who violated the constitution.[307]

In fact, the only role the sixth Majlis played in foreign policy was to be a cover for the anti-democratic and anti-human rights practices of the Islamic regime, although unintentionally. Nowadays, it is difficult to explain to foreign observers or officials that a popular parliament has no influence on the socio-political aspects of its country, not to mention that the government itself also suffers similarly. Hence, the decorative function of the Majlis in the political structure of the Islamic regime now becomes more apparent. Even with regard to the sixth Majlis, it has acted against its cause. Most notably, during the EU-Iran negotiations on human rights issues, after a trip to Tehran and holding meetings with various officials, the EU delegate decided not to table a resolution criticizing the human rights situation in Iran in the UN General Assembly's Third Committee. As Danish Foreign Minister Per Stig Moeller said, "[on the grounds of] helping the reformists in Iran who are the majority in the country, we will give dialogue a chance."[308] This happened despite the fact that the essential rights of the deputies were being suspended by the judiciary.[309]

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[306] *Norouz*, 29 May 2002.
[307] Ibid.
[308] *Iran*, 21 October 2002.
[309] For instance, the arrest of MP Hussein Loqmanian, and the summoning of Mirdamadi and Armin, to the judiciary on the grounds of their parliamentary speeches.

4.13.2. KHATAMI'S ACCOUNT OF THE REFORM MANDATE IN POWER

In spring 2001 as President Khatami prepared for his re-election campaign, he addressed the Fifth Majlis. In his speech he illustrated a comprehensive account of the reform mandate which was supposed to be implemented by the [Islamist] reformists. The following is Khatami's categorized speech prior to his re-election with relevant cross referencing to the main points of his reform mandate during his initial four years in office.[310] It is noteworthy that although the Iranian society had not managed to form a vibrant civil society and its relevant organisations—no strong middle class—popular political figures such as Khatami repeatedly referred to a profound public demand for reform. Peculiarly, this unsubstantiated perception led to more demands by the public without generating the capability to pursue them.

4.13.2.1. REFORMISTS VS. CONSERVATIVES

First, Khatami adamantly criticized the conservative attempts to frighten the Iranian people before his election as President in 1997, referring to the claims that "his reign will cause a setback for Islam in Iran, the [Islamic] Revolution and the security of the State".[311] He replied by saying "not only has the Islamic Revolution not been threatened under his reign, but his office term could be a 'huge opportunity' for the Islamic Revolution". Khatami rejected the 'provocative' accusations by his opponents that the reformists headed by him were against the Islamic Revolution's ideals and insisted: "All the Iranian people want reforms that will be logical and within the framework of the Constitution". Khatami warned, referring to the murder of Iranian intellectuals in 1998, that the "real danger to Iranian society comes from the existence of an extremist group within the institutions of the government in Iran". He concluded "the whole people of Iran have suffered serious blows at the hands of this group and that

[310] The main source for his speech is *Bahar*, March 11, 2001, other references have been mentioned respectively.
[311] Ayatollah Mahdavi kani, in an interview by *Resalat* on 7 May 1997.

must be stopped".[312] Therefore, from Khatami's point of view any reform would be meaningful if applied within the Islamic principles.

Khatami further criticized his opponents for their refusal to accept the changing of time and the will of the people, claiming that they (opponents to reform) may be regarded as the enemies of the people. He added: "There are two groups that stand against the reforms. One opposes any progress and stubbornly insists on moving on this uncompromising road. The second consists of those who see any progress in society as connected to foreign elements." According to Khatami the opponents of the reform are worried that any development is the beginning of the change in the Iranian Revolution and government. Thus, "the expectations of both groups do not comply with the real reform sought by the Iranian people who want civil rights and oppose an approach based on replacement of the Constitution. Khatami's main emphasis was placed on the importance of people's knowledge and sympathy about government and society in Iran. He argued that historically there has been mistrust between these two and the solution lies in filling this gap. The strategy of prohibition and of [limiting] knowledge and culture, as well as the excessive dissemination of propaganda every day, prompt a clash of values between the government and the society. As a result two cultures are emerging in Iran. "Why not" asked Khatami "blame those who seek to stop the reformists as being connected with the enemy?"[313]

4.13.2.2. THE ROLE OF SOCIAL AND IDEOLOGICAL CHANGES

Khatami mentioned several significant social changes that occurred in Iranian society since the Islamic Revolution in 1979: "The huge urbanization, the growth of the middle class and the emergence of deep economic gaps within Iranian society. These developments culminated in a change in the value system in Iran. Today," he said, "there are new ideological groups within society and the role of intellectuals and academics has significantly grown, which is why various sectors of Iranian society felt they can demand the strengthening of the Constitution as the source [of authority] and the principle by which society

[312] *Bahar*, ibid.
[313] Ibid,11 March 2001

should be conducted".[314] Before winning the presidency, he eagerly demonstrated his support of greater openness in domestic politics by saying that "outside (Western) influence is unavoidable, and even advantageous, subject to preserving Iran's identity and independence."[315] Khatami also feared that "the political, social, and economic realities in Iran could spill far from its borders to discourage Islamists elsewhere, and even endanger Islam."[316] Khatami also portrayed the gravest problem facing the world of Islam as a self-sufficient attitude that prevents Muslims to look at other civilisations to learn. He went further and said: "the West has made great strides in science, politics, and social regulations, though it is not mistake-free."[317]

4.13.2.3. FREEDOM, DEMOCRACY, AND THE CONSTITUTION

Khatami stressed the need to anchor basic values such as freedom and democracy to the Constitution, which he regarded as "the huge achievement of the Islamic revolution." However, he was careful to package this call in an Islamic guise. He elaborated on the need "to establish a religious democratic regime" which was preached by the Islamic revolution: "Imam Khomeini too," he said, "preached the establishment of a democratic regime." "This is what we heard from Imam Khomeini, that the wishes of the people are the criteria by which the regime should go. There is no other way but to accept the people's democratic religious regime". Khatami stated that there is no contradiction between Islam and individual rights and that the Islamic Republic embodies the ideal combination of both Islam and freedom. "The Religion complies with human rights and civil rights; freedom complies with Islamic cultural values. The Islamic Republic was created for the sake of this combination". [318]

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[314] *Bahar,* ibid.
[315] Menashri, *Iran Under Khatami*, p.25.
[316] Laurent Lamote, 'Domestic Politics and Strategies Intentions' in Patrick Clawson, (ed), *Iran's Strategic Intentions and Capabilities,* Washington D.C. Institute for Near East Policy, 1994, p.12.
[317] Muhammad Khatami, *Mutala'at*, Tehran, Nashr-e Nou, 1377 [1998], p.21.
[318] Khatami, *Mutala'at*, ibid.

4.13.2.4. KHATAMI'S ACHIEVEMENTS

Considering all obstacles and failures in the implementation of the reform mandate, President Khatami as the ideologue of the reform movement felt it necessary to summarise his successes and through a speech prior to his second candidacy in spring 2001 emphasized the achievements of his first term presidency:

1. the rise in the participation of civilians in political life; in particular youth and women;
2. the rising role played by the media;
3. more trials being conducted in a transparent fashion and being open to the public.

"Today," concluded Khatami, "the citizens know their rights and know the limits of the government and what it can do".[319] Also, Khatami's attitude on gender issues was summarized in a 4 July 2005 statement in Tehran, when he said, "we should have a comprehensive view of the role of women and before anything else, should not regard women as second-class citizens. We should all believe that both men and women have the capability to be active in all fields, and I emphasize, in all fields." [320] However, Farideh Qeyrat, a lawyer and the spokeswoman for the Association for the Defence of Prisoners Rights, hold a different opinion, though admitting a kind of improvement. She states: "the political atmosphere is more open now than it was eight years ago and Khatami has created an environment that encourages women to participate."[321] However, this trend has not produced any significant improvement in the legal arena. According to Qeyrat "legally, there has been no change [in the condition of women], we cannot say that women now, according to the law, have more competence in taking responsibilities. Women still have trouble with ordinary laws, not to speak of running for office." [322] The Sixth Majlis attempted to improve the legal conditions for women by passing a legislation permitting single eligible female students of universities to be accepted for scholarship abroad. This legislation too was blocked by the Guardian Council.

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[319] *Bahar*, ibid.
[320] Radio Free Europe/Radio Liberty, 3 August 2005.
[321] Ibid.
[322] Ibid.

4.14. CONCLUSION:

The persistence of conflict between elected bodies and un-elected ones over the implementation of their basic rights and duties inevitably leads to a constitutional crisis. This is the situation which the Islamic Republic was deemed to be within during the sixth Majlis. The solutions to exit from this over-balanced condition for the reformists and the conservatives perceived differently. The conservatives tended to keep up their policy of sustainable opposition aimed to exhaust and frustrate both public and elected bodies until the next general election in which they could oust the reformists from their seats. On the other hand, the reformists only manoeuvred to draft reforming legislation and amend the system utilizing its own capacities. By evaluating the Sixth Majlis performance it became clear that its authority to be effective as a legislative body is under harsh restriction of constitutional provision. Therefore, whatever the Majlis determined to push through its reformist mandate, constitutionally it has been disarmed and malfunctioned.

For instance, six months after Khatami's re-election for his second term in office, he introduced two fundamental bills to the sixth Majlis to safeguard the very fragile entity of democracy.[323] The first bill was for increasing the President's authority to oversee the implementation of the constitution and, if necessary, to be able to take appropriate action. The second bill was for the amendment of election law, adjusting the unlimited Guardian Council's power in the vetting process. Both bills were overwhelmingly ratified by the sixth Majlis but not surprisingly rejected by the Guardian Council. The bills were handed several times between two institutions with no foreseeable conclusion. According to the constitution at this stage the Majlis ought to refer the rejected legislations to the Expediency Council. However, fearing the probable alteration to the bills by the Expediency Council, prevented the referral of the bills and caused Khatami to call upon the Majlis to send back the bills to the government.

[323] *Nawruz*, 8 December 2002.

Khatami showed that he was well aware of previous referrals to the Expediency Council which rarely resulted in pleasing his reformist government.[324] The recall of the twin bills proved that a popular president who was awesomely elected on two occasions alongside a reformist Majlis was simply unable to pursue his mandate in the framework of the constitution. The IIPP at its Third Congress the then ruling party issued a resolution describing the current situation of the Islamic regime as at its most critical state when both elected government and parliament are unable to exercise their right on governance.[325]

Also, in the aftermath of the sixth Majlis, many analysts expressed their concerns over incoming obstacles towards reform agenda. For example, Saied Hajarian illustrated that the sovereignty of the Islamic Republic was now based on a duality. One relies on the people's vote and the other is granted by the religious authorities and guaranteed by the constitution. Moreover, Abbas Abdi explained that the Islamic Republic is in a legitimacy crisis and in essence is losing 'the public's trust'.[326] Muhammad Reza Khatami added, "The gap between the rulers and the people is widening. This is a situation of double rule, which is ideal for the conservatives."[327] He explained, "After we use all our abilities and means and reach the conclusion that we can no longer run state affairs. We will abandon the scene, and then [the conservatives] will be held accountable [to the people]."[328]

Five years after beginning the reform movement in 1997, the first signs of quitting the political structure were seen. The Majlis deputy speaker and prominent reformist Behzad Nabavi in his pre-session speech warned the opponents of reform by saying: "[They] should realize that they cannot run the country with only 20% of the votes, and they cannot rely on [blaming] foreign powers [for domestic problems]. They should also know that they cannot resort to arrests and violence in order to rule." Concurring with the reformists' threat to quit, Nabavi added: "Indeed, [the conservatives] have not succeeded in

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[324] *Yaas-i Naw*, 12 January 2002.
[325] Ibid, 2 July 2002.
[326] *Guft-u Guy-i Intaqadi* [a critical dialogue], Saeed Hajarian, Abbas Abdi, Mustafa Tajzadeh, Tehran, Tarh-i Naw Publishing, 1382 [2003], p.77-78
[327] *Iran*, 2 July 2002.
[328] Ibid.

dismissing us from the government, but the current situation is no better than quitting it."[329] Here criticism is diverted from the conservatives to the reformists for being too slow and incompetent.

While the political deadlock loomed, neither the reformists nor the conservatives were able to reverse the course of events. In fact, the massive propaganda on reforming the system before the sixth Majlis had lifted people's expectations too high; yet the capacity for such aspirations, whether legally or politically, was too limited. In the meantime, some political analysts like Abdi maintained a kind of sharp criticism in the hope of ringing alarm bells, though unsuccessfully. He warned that the process of reform in the regime is "slow and frustrating". The [conservatives'] continued effort [to block the reformers] cannot go on, and those who oppose the reforms should [realise] that there is no way of reversing the situation in their favour.

It should be clear that the reforms are the will of the people, and urgent action is needed." He criticized the reformists too for adopting a "too moderate policy in their demand for reforms".[330] Rajabali Mazru'i also criticized the conservatives: "Continuing the reform is the only way to overcome the current crisis", and went on to criticize "the narrow-mindedness of some, who do not understand domestic and global developments. The Guardians Council's repeated refusal to ratify Majlis legislation has no outcome other than showing how inefficient the system is. Economic progress comes [only] with political and cultural development."[331]

Accordingly, 151 Majlis deputies signed an open letter to the Supreme Leader Ayatollah Khamenei which was read by Majlis deputy Muhammad Nai'mipur and broadcasted on national radio. The letter condemned the conservatives' oppressive measures through the constitutional institutions. The language of the letter was strong and frank and put blame on the Guardian Council and the judiciary as the main obstacles against reform in Iran. The letter denounced:

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[329] Ibid, 21 August 2002.
[330] Ibid, 22 August 2002.
[331] Ibid.

The closure of more than 80 reformist newspapers over the past three years; the ruling against prominent Majlis members and owners of the reformist paper *Norouz* (shut down July 2002) Mohsen Mirdamadi; the dissolution of the Iran's Freedom Movement (Nehzat-e Azadi) and the prison sentences, of up to 20 years for its members; and the arrest of writer Siamak Pourzand, 71, being accused for "acting in favour of the U.S. and undermining the Islamic regime." "In democratic systems", the letter read, "the judiciary is entrusted with the mission of protecting civil rights. However, in Iran the attorney general is the main force behind the closure of daily newspapers.[332]

The continuation of conflict between the reformists and the conservatives had only one tangible result. This was the deterioration of human rights and growth of public unease in the Islamic regime.[333] At least, these factional quarrels allowed violence against human rights to become more known and visible. Interestingly, as the legislative branch had been discharged of its original functions, it became a centre for people's petitions and complains against other governmental bodies, including the judiciary.[334] However, in an absolute contrast to the constitution, the Majlis deputies were to be charged and subjected to prosecution by the judiciary because of their comments in the Majlis.[335] In short, both government and parliament run by reformists in the Islamic Republic have become dysfunctional institutions whose formalised roles only show that the regime is a Republic. Some radical critics even compared it with the former East Germany or North Korea if they too can be considered as Republic.[336]

In short, the sixth Majlis, elected in February 2000, raised huge expectations among Iran's reform-oriented electorate. It was supposed to work alongside President Muhammad Khatami and the entire reformist-controlled executive to

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[332] *Hayat-i Nu*, 5 August 2002.
[333] According to the Federation of International Free Press, Iran is known as the first country to imprison the journalists.
[334] *Yas-i Naw*, 5 January 2003.
[335] MP Hosseuin Loqmanian, who was arrested by the *Hamedan* Judiciary in December 2001.

[336] <www.goova.news> (February 12, 2005), in an article posted from Nimaa Rashedan.

bring about real and substantive changes. Unfortunately, this proved not to be the case. For a short period of time, both people and reformists forgotten that those who wield decisive power in the Islamic Republic are not subject to elections.[337] An overall review of such interactions between parliament and government on one hand, and the Supreme Leadership, the Guardian Council and the Judiciary on the other proves the incapability of these constitutionally sanctioned institutions to function democratically. The whole system seems to be a mixture of modern institutions combined with arbitrary principles at the top. The political structure of the Islamic Republic is in practice based on religious and unempirical principles, while to some extent, democratic elements are also embedded.

We conclude this chapter by referring to our main frameworks of evaluating democracy and democratisation process which were considered at conceptual, procedural and operative levels. We discussed that in order to have a self-maintained and operative model of democratic regime; it needs necessarily both procedural measures and conceptual consistency. The emergence of the sixth Majlis as a reformist parliament displayed a successful example of democratic development at procedural level, but the inconsistency at conceptual level in the constitution has prevented the system from operating democratically. Therefore, paying extra attention to procedural measures before attaining a consensus over conceptual issues cannot resolve the democratic dilemma. To solve the conceptual paradox, Hashem Aqajeri suggested that the only way to have political reform in Iran is to re-interpret Shi'ism. He pointed to the principle of emulation and imitation, and strongly ruled it out.[338] He advocated a non-politicised religion which is separated from state affairs but present in the culture and morality of the society, which then will allow modern institutions to function correctly.[339]

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[337] Mahan Abedin, in an interview with *Daily Star* published in Beirut on 6 December 2004.
[338] He has also described one person following another as blind as a monkey which sparked off an uproar.
[339] REF/RE daily bulletin, 11 July 2002.

5. CHAPTER FIVE: CONCLUSION

5.1. CONCLUSION

This thesis attempted to study the Iranian experience of the democratisation process. From the outset, it became clear that our examination ought to be inclusive of both institutions (i.e. parliament) and also conceptual elements (i.e. political culture and religion). It was necessary to understand democracy as a qualifying concept outside of its Western liberal narrative. Chapter One tried to portray an inclusive picture of democracy as the least bad method of governance. Through our comparative presentation of various models of democracy, the supremacy of the Western-liberal narrative of democracy was challenged, and other applications of democracy were introduced and discussed.

In Chapter Two, I traced the origins of Iran's encounter with modernity and explained the significance of political culture and religious sentiments in shaping politics. To grasp the authentic principles of religious influence in Iran, I investigated Shi'ism as the dominant religious ideology. The notion of intellectualism in contemporary Iran was also addressed in both its secular and religious incarnations. I assessed very briefly the incomplete and un-authentic experience of secular and anti-religious advocacy of modernity, then its antithesis: secular critics of modernity who brought about the concept of authenticity discourse, similar to German romanticism. And finally, the synthesis: a religious critique of modernity which resulted in the Islamic revolution. If secular intellectualism brought the modern institutions into Iran, religious intellectualism engaged the majority of citizens in the equation. Regardless of the success or failure of such composition, the main issue is the engagement of structure (political, economic and social institutions) and citizens whose primary and collective mindset is Islamic.

In Chapter Three, I focused on the Islamic Republic as a political institution embodying with Islamic precepts as the indigenous elements of Iranian political culture. It was noticed that the institution of the Islamic Republic as a mixture of both modern and traditional institutions is bound to function within a constitutionally

defined nation-state. In other words, Iran experienced an unprecedented combination of modern structure alongside authentic agency (Islam as the most revered religion). I utilised the theory of institutionalism to examine the function of political institutions, in particular parliament. Discursive evaluation was also employed to understand Iran's conceptual trajectory towards democracy. The outcome is therefore conducive for the betterment of conceptual consensus in achieving democratisation (research hypothesis). The following analysis and discussion aim to conclude the thesis in more detail.

The experience of Islamic revolution in Iran contradicts the absolute validity and application of scientific discourse in political studies such as linear theory of progress. The phenomenon of Islamic revolution however, reinforces the credibility of "critical social theory" which takes into account immeasurable elements such as political culture and beliefs. The quintessential role of Islam in mobilising the masses for toppling an autocratic but ostensibly modernist Pahlavi regime did not leave any room for further reluctance within academic and political institutions over the substantial weight that religion can exert. Of course, the Middle East has seen several ideological and political movements since the mid nineteenth century, either against colonialism and Western cultural domination or in pursuit of Arab-nation-state building.[1] We can hardly, however, compare any of these movements with Islamic revolution of 1979 as having such coercive origins and consequences. It brought about a discursive evolution as well as political (reform movement from the within).

The foundation of the Islamic republic with its solid implementation of certain Shi'a principles created an unprecedented situation in which an Islamic critique could utilise its capacity in scrutinising the notions and motions of an Islamic state. The complex and sometimes perplexing philosophical, social and political literature on religious intellectualism in both post- and pre-revolutionary Iran offers a vast area for study and exploration. By considering these dynamics we can approach the concept of democracy with more accuracy and applicability. We investigated the core meaning of democracy and its implementation in respect of public participation and state accountability to the people. Also, for a better understanding of the very sophisticated

[1] For the latter we can refer to cross-Arab Ba`thist Party movement and the former to the Muslim Brotherhood in Egypt.

nature of democracy and its related issues, we envisaged a framework within which we could accommodate our assumptions. This framework provided us with three critical levels regarding how to perceive democracy in a society: the conceptual level, the procedural level and the operative level.

At a 'conceptual level', the importance of the interpretation of democracy in any target society was explained. For instance, the meaning and ultimate merits of democracy could differ in France and in an Arab country. That does not necessarily mean that either the definition of democracy lacks universality or a religious and undemocratic society is naturally unable to acquire it. In fact, we need to broaden our perception of democracy to become more inclusive, given the necessity of preserving cultural as well as political pluralism. At a 'procedural level', it was argued that although many countries have employed democratic measures like establishing modern political institutions and holding regular elections, they cannot however be categorised as democratic. In other words, democratic procedures are necessary conditions but not sufficient ones. Finally there is an 'operative level' around which a democratic regime is built and maintained from within.

In the case of Iran, we analysed that although there has been a range of democratic measures and institutions such as the constitution and parliament, it was the lack or inconsistency of a conceptual consensus between the ruling class and the people which foiled any attempt at consolidating those democratic measures. To support this argument we referred to political culture to explain why such necessary consensus for democracy was not reached in Iranian society. Nevertheless, there are other significant social, political and economic reasons for the failure of Iranian democracy; these include the lack of a coherent middle class, the absolute reliance on oil revenue and geo-strategic pressures. In addition, although the majority of debates throughout this thesis relate to the procedural level, i.e. the malfunctioning of the Iranian parliament, the focal point lies with the potential paradoxical conception of democracy and the role of political culture and religion. In other words, the theoretical problem in the case of Iran is the incompatibility of the social structure (still to some extend traditional) with new (modern) political institutions.

Given the importance of the institution of parliament as the most tangible and measurable element in assessing the implementation of democracy, we have concentrated on the Iranian parliament. It was necessary, however, to underpin our theoretical assumptions about democracy and the democratisation process which we have done in the first chapter. We tried to analyse the core denotation of democracy, the solidity of its meaning and flexibility of its practice. We examined the theory of liberal democracy as the prevailing version of democracy and concluded that it does not provide a workable solution for most developing countries, and in particular for Iran, the object of this case study. However, since the state is an instrumental complex of social economic and political institutions, its democratisation process involves a greater structural framework that combines social coherence, legitimate power, persuasion and bureaucracy. Therefore, any attempt to democratise a state should include a wide range of factors such as political culture, political economy and also geopolitics, which respectively have been looked at in this research.

In fact, the Islamic Revolution was one of ideological content and symbolic political features, rather than a revolution that was fostered by social conflict. Historically, the linkage in Iran between central power (monarch) and landlords across the country was the main guarantor of the political stability of the state. This socio-political balance, however, was damaged by the implementation of the Land Reform in the 1960s. Instead, far from worrying about losing its stabilising feet, the Pahlavi regime relied on the ever-increasing oil revenue and pursued the accumulation of a weaponry arsenal in order to fulfil its ambitious programme. During the Pahlavi regime, apart from the Fourteenth Majlis, all other Assemblies can be seen as arbitrary councils taking orders from the monarch. Surely, one cannot deem the Shah or the government or the deputies as the only causes of this failure to deliver a suitably functioning parliament. The blame should also lie with socio-economic imbalances such as the absence of a viable middle class, being a rentier state and foreign influence and pressure.

We briefly touched upon causes that led to the collapse of the Pahlavi regime. Then the new political structure—shaped on an unprecedented concept of *wilayat al-faqih* and its superiority over the conventional and democratic

institutions—was duly discussed. The concept of *wilayat al-faqih* received a great deal of attention. It was analysed in depth both historically and theoretically. The purpose was basically to investigate whether the new system contradicts democratic notions and procedures, even though the important democratic elements embodied in the Constitution were realised as well. Accordingly, Chapter Four specifically explored the parliamentary politics of post-revolutionary Iran. It briefly covered the main features of the five post-revolutionary parliaments and focused on the formation and performance of the reformist Sixth Majlis. The emergence of Sixth Majlis despite all the institutional weaknesses proved that the religious intellectualism is reconcilable with democratic norms and procedures. The popularity of the Sixth Majlis and its reformist mandate reveals the public inspiration and desire for democratic reform.

However, predicting the result of the ongoing struggle between the two fundamental and reformist trends over the gain of the political leadership of the Islamic Republic is seemingly difficult, particularly in a period when Iran's vital regional and international importance is in focus. Today, not only is Iranian politics engaged in a severe domestic struggle; it is also faced with accusations of supporting international terrorism and attempting to obtain nuclear weapons. Subsequently, these factors render even more complexity into the prediction of the fate of the reform movement and more importantly that of the democratisation process.

The study of the parliamentary experiment of the Islamic Republic signified a linear continuity and progress within the framework of the Islamic regime. For instance, during the 1980s, while the country was going through a destructive eight years war, no single election was cancelled, although the whole election process could not have been compatible with democratic norms. Moreover, the rate of people's participation in the parliamentary elections during 1980-2000 shows a clear ambivalence in terms of fluctuation in people's apathy and sympathy towards the regime. On the whole, there is far more socio-political engagement of the public during the Islamic Republic than during the Pahlavis.

This greater engagement contradicts the assumption that the Islamic regime is totally authoritarian and therefore incompatible with democracy. In fact, the existence of democratic elements in the Islamic Republic alongside the indigenous political culture has been greatly conducive in maintaining the participation of people in the political process. Nevertheless, although the main goal of the Islamic Revolution was to destroy an entire system of deep-rooted authoritarian governance and replace it with a popular republic, the function of the new political order (the Islamic Regime) remained in sensitive cases like legislative body similar to its predecessor (the superiority of *wali faqih* over legislation).

The thesis has also carefully examined the political structure of the Islamic Republic with special focus on legislative authorities and their performances. Under the Constitution, the Islamic Consultative Assembly was granted considerable power and authority within the Islamic Republic, but failed to function as democratically as it was expected to. The reasons for such disappointment lie both in the institutional obstacles embodied in the Islamic Constitution, as well as in the structural dilemmas in the fields of culture, economics and politics (lack of consensus over the concepts). In early years of 1990s, increasing restrictions on cultural activities, NGOs and social liberties alongside an unprecedented inflation and unemployment rate had caused a deep scepticism throughout the emerging middle class and therefore paved a way for the breakthrough.

For many, this breakthrough was the landslide election of Muhammad Khatami in the presidential election of May 1997. Khatami's unexpected victory had different messages for supporters and opponents of the regime. Advocates of the regime described it as a sign to approve that there *is* a working Islamic democracy, while the opponents saw it as the end of Islamists' superiority over Iranian politics. The reformists in the first group thought that having a government and a parliament that are popular and reformist—Khatami's government and the sixth Majlis—could greatly contribute to the implementation and consolidation of democratisation process. However, the experience of the last eight years proved that, to the contrary, and because

several democratic bills remain unapproved, the various plans for economic, cultural and political reforms remain unrealised and finally, the reformist Sixth Majlis was replaced with an Islamic hard-line one (the Seventh Majlis).

The formation of the sixth Majlis alongside the reformist government of Khatami transferred the evolution of the Islamic Republic to a critical stage, where a moderate but still Islamic version of reform mandate overcame and seized the formal power. We counted the reasons according to the Constitution as to the base of real power and authority, being in the hands of Supreme Leader and explained that any substantial and permanent reform *is* subject to appropriate adjustments to the role of Supreme Leader (*wali faqih*). At the same time, from the beginning of the Islamic Republic until now there have been a referendum, 9 presidential elections, 7 parliamentary elections, 3 elections for the Council of Experts and 3 City Councils elections but still the regime lacks the essentials of a democratic system. The recent episodes through which the Islamic reformists lost their constitutional positions to the Islamic totalitarians prove that democratic transition or democratisation cannot be considered as a pre-determined process but a reversible one. Unless, of course, certain structural prerequisites are met at cultural, economic and political levels.

The important issue here is although a series of reformist seizures of power occurred lawfully under the Constitution, it was again under the same Constitution that the opponents of reform took over. It is true that it seems a reverse step in the process of democratisation, when a reformist government and parliament is replaced with a fundamentalist one, but the positive point here is that this political rivalry materialised without violence and through peaceful means. Also, considering the history of political opposition in Iranian politics we see that opposition has been against the totality of the ruling regime either during the Pahlavis or the Islamic Republic. In other words, until the defeat of the reformists in regaining of the Majlis and the executive since 2004, the political opposition literally and practically was against the Islamic regime whereas now, the out of power reformists can play a very necessary role of political opposition without challenging the establishment. This new situation gives the reformists

the credibility of becoming a genuine political opposition to the government not to the regime and therefore unlikely to be suppressed or forced into exile.

Yet, there is no consensus across society, from the lower classes to the elites, as to which model of governance is valid: democracy or theocracy. The official line is a kind of third way, somewhere between the two, Islamic Democracy (*Mardum salari*). We cannot, however, ignore the existence and exercise of democratic procedures within the Islamic Republic which are unprecedented in Iranian history. It is true that these procedures are often incomplete and cannot be compared to the Western models, but they have been successful in engaging the majority of the population in exercising their democratic rights so far. The experience of the Islamic Republic as a modern regime with a religious foundation has transformed Iranian society and produced a discursive accumulation conducive for social change. The Islamic republic which emerged after the failure of anti-religious secular discourse incorporated religious sentiments. These sentiments, as the main elements of Islamo-Iranian political culture, have been transformed into political institutions. This process acts as a refining conduit for enhancing the conceptual level and will hopefully help society to reach the operative level of a self-sustained democracy.

APPENDIX1.

The Expediency Discernment Council which was formed upon the initiative of the late Imam Khomeini (peace be upon him) and later included as an article in the Constitution of the Islamic Republic thanks to the wisdom and foresight of those revising the Law, is one of the best legal organs established in the Islamic Republic ever since its inception. This is a lasting and blessed institution which was created by the great Leader of the Islamic Republic thanks to his keen sagacity and broader scope of things at a time that the country needed such a Council and with its invention the supreme administrative system of the country was complemented.

According to the Constitution, this Council acts as the trusted advisor of the Leader in shaping the general policies of the System and solving major disputes and differences which occur among the executive, judiciary and legislative powers. Moreover, when the Islamic Consultative Assembly and the Guardian Council differ on a bill, the Expediency Council steps forward and solves their difference. Therefore, with an eye to the duties and responsibilities of the Expediency Discernment Council prescribed in the Constitution, this Council acts as the highest advisor of the Leader in the Islamic Republic System.
In past years, the Expediency Discernment Council has rendered valuable services to the nation when there have been differences between the Majlis and the Council of Guardians regarding the Majlis approvals, and has issued appropriate verdicts concerning numerous cases that I have referred to them.

Now that with the widespread participation of the nation in all the political, social and economic arenas and with the endeavours of the officials and administrators of the executive, judiciary and legislative powers, the sacred Islamic Republic System has been firmly established and has found a commendable dignity, it is appropriate for the Expediency Discernment Council to fully discharge its duties and responsibilities and act as a senior advisor to the Leadership. For this reason besides the present members, it would be appropriate to appoint other senior politicians and clerics to enable the Council to discharge

its important task in shaping the general policies of the System and to examine all important problems that are normally faced by the country.

Therefore, the new makeup of the Expediency Discernment Council of the System is declared as follows:

1. The legal personalities are:

a. The esteemed heads of the three powers.

b. The prominent jurists of the Council of Guardians.

c. The minister concerned depending on the subject under discussion.

2. The other personalities are: Messrs. Hashemi Rafsanjani, Mahdavi-Kani , Amini Najafabadi, Vaez Tabasi, Ahmad Jannati, Muhammad Imami Kashani, Hassan Habibi, Mir Hussein Musavi, Dr. Ali Akbar Wilayati, Muhammad Rey-Shahri, Shaykh Hassan Sane'i, Hassan Rawhani, Muhammad Musavi Khoeiniha, Habibollah Asqar Owladi, Qurbanali Durri Najafabadi, Ali Larijani, Mustafa Mirsalim, Muhammad Reza Tavassuli Mahallati, Abdullah Nuri, Murtaza Nabavi, Dr. Hassan Firuzabadi, Qulam Reza Aqazadeh, Bijan Namdar Zanganeh, Muhammad Hashemi, and Mohsen Nurbakhsh.

All these members have been appointed for a five year period and the Head of the Council will be Mr. Hashemi Rafsanjani. The Expediency Discernment Council should have an active and significant secretariat to prepare the cases that are to be discussed in the sessions and to make necessary arrangements. Its head should be from among the members of the council and its liaison officer to be appointed by me, whenever necessary.

The Council is duty-bound to draw up, in its early sessions, some comprehensive regulations pertaining to the manner of formation of sessions, putting forward and approval of subject matters, as well as other details, and then send the same to me for my approval. For this eminent institution to be able to discharge its important duties particularly in the matter of general policy making of the country, it should benefit from the latest expertise of the governmental responsible agencies and at the same time must avoid setting up parallel expert

groups. I pray to God the Almighty for the success of these gentlemen in fulfilling their important duties.[2]

[2] <www.iranmania.com/info.expediency>

APPENDIX 2.

The Association of Combatant Clergy (ACC)

The Association of Combatant Clergy (ACC) is perhaps the oldest political-clerical group since the 1979 victory of the Islamic Revolution in Iran. The ACC is known as the leading conservative group where conservative groups were in practice obliged to coordinate their political behaviour and policies with the views and decisions of the Association. Ayatollah Muhammad Reza Mahdavi-Kani is ACC's Secretary General and Akbar Hashemi Rafsanjani, Ali Akbar Nateq Nuri, Hassan Rawhani, Muhammad Imami Kashani (former member of the Council of Guardians and substitute leader of Tehran Friday prayers), Muhammad Yazdi (former Head of the Judiciary), Seyed Reza Taqavi (Head of the Islamic Guidance Commission of the 5th Majlis and ACC spokesman), Ahmad Jannati (substitute leader of Tehran Friday prayers and Secretary of the Guardian Council), and Qurbanali Durri Najafabadi (former Intelligence Minister) are among prominent members of this group. Contrary to other groups and parties, the ACC does not publish any newspaper or magazine and has not obtained a permit from the Interior Minister for political activities. The ACC was among the major supporters of Ali Akbar Nateq Nuri (Khatami's main rival) in the May 23, 1997 Presidential elections. During the impeachment of former Islamic Culture and Guidance Minister Ataollah Mohajerani and former Interior Minister Abdullah Nuri, ACC advocates were among the main opponents of Mohajerani and Nuri.[3]

THE ASSOCIATION OF ISLAMIC COALITION (JAMI'AT-I MUTALIFIYYIH ISLAMI)

Jami'yat-i Mu'talifa Islami or the Association of Islamic Coalition (AIC) is among the old parties in Iran which was formed through the merger of three religious groups in the Tehran Bazaar before the Islamic revolution. The common objective of the three underground groups was campaigning against Muhammad Reza Pahlavi, the last Shah of Iran and following up the instructions of Ayatollah Khomeini. The AIC considers itself as the first political-ideological group in the contemporary history of Iran, formed under the leadership of

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[3] Barzin, *The Political factions in Iran,* p.90-91.

wilayat al-faqih and under the supervision and guidance of the clergy away from Western and Eastern partisan patterns. The AIC advocates full commitment to the emulation of *mujtahid* in the real and genuine sense of the word. The AIC reduced its activities after the victory of the Islamic Revolution and most of its members joined the Islamic Republic Party (IRP). But in 1988, it was reorganized with an aim "to better coordinate the faithful towards ultimate triumph of pure Islam, the path of the Imam and *wilayat al-faqih*."[4]

Habibollah Asgar Owladi who is known as a veteran combatant and representative of the Supreme Leader at the "Imam Khomeini's Relief Committee" was for many years the AIC Secretary General. Assadollah Badamchiyan, Ali Akbar Parvaresh, Saeed Amani, Muhammad Javad Rafiq-Dust, Habibollah Shafiq and Asqar Rukhsefat, all well-known businessmen of the Tehran Bazaar, are among the prominent members of the AIC. The AIC is among the genuine parties in Iran. The party, which is composed of the main conservative groups, enjoys full partisan discipline and its branches are active in various parts of the country. During the May 23 Presidential elections of 1997, the AIC supported Ali Akbar Nateq Nuri and played an important role in impeachment of two ministers of Khatami's administration—Abdullah Nuri and Ataollah Mohajerani—in the final year of Fifth Majlis.[5]

SOCIETY OF ISLAMIC ASSOCIATIONS OF THE BAZAAR & TRADE UNIONS (JAMI'-I ANJUMAN-HAIYYIH ISLAMI-I BAAZAAR VA ASNAF)

The Islamic Associations of Bazaar & Guild Unions (IABGU) is a group composed of members of Islamic associations of various trade unions in the Tehran Bazaar. Its objective is to forge coordination among Islamic associations of trade unions and Bazaar businessmen in order "to create a healthy atmosphere in the bazaar, to execute the Islamic practice of inviting to good and preventing from forbidden, and to help achieve independence and self-sufficiency".[6] From the financial point of view, this group is the main supplier of the needs of its like-minded groups (the conservatives). Saeed Amani, the Secretary General of

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[4] <www.motalefeh.org/book/ashnaee.pdf>
[5] *Payam Imruz*, October 1998.
[6] *Resalat*, 27 May 1996.

the IABGU, is also among the prominent members of the AIC. The IABGU holds a session in one of the important mosques in Tehran every month and one of the personalities supporting the Society would elaborate on the latest political and economic developments of the country. The IABGU calls for the government's diminishing role in the economy, particularly in foreign trade. In the 1997 presidential elections, the IABGU also supported Ali Akbar Nateq Nuri.[7]

THE EXECUTIVES OF THE CONSTRUCTION PARTY (HEZB-I KARGUZARAN SAZANDIGI)

The Executives of the Construction Party (ECP) was formed during the Fifth Majlis elections campaign and its members are senior aides of the former President Akbar Hashemi Rafsanjani. They support the policy of economic development and its members consider themselves the closest group to Rafsanjani. They believe they are a moderate party. The Secretary General of the party is former Tehran Mayor Qulam Hussein Karbaschi. There is little doubt that Karbaschi's contribution was essential for Khatami to win the presidential election. This contribution cost his post and imprisonment for nearly two years. From the beginning of his trial, he conferred his authority to Hussein Mara'shi the Majlis deputy from Kerman and prominent member of the ECP, Hussein Mara'shi, as the acting secretary general.[8]

Ataollah Mohajerani (former Minister of Culture and Islamic Guidance), Muhammad Hashemi (vice-president for executive affairs), Ms. Fae'zeh Hashemi (former MP from Tehran), Mohsen Nurbakhsh (former Governor of the Central Bank of Iran), Muhammad Ali Najafi (former Vice-President and Head of the Planning and Budget Organization) and Mustafa Hashemi-Taba (former Vice-President and Head of the Physical Education Organization) are among senior members of the ECP. In the 1997 presidential elections, the ECP was among the 2nd Khurdad (May 23rd) coalition groups who supported the candidacy of Muhammad Khatami. The party has had no official publication, but for temporary periods the newspapers of *Hamshahri* and *Hammihan* advocated

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[7] Barzin, *Political Factions in Iran*, p.93.
[8] Butcha, *Who Rules Iran?* p.14-15.

its political line.[9] However, since 2005 and after the election of President Ahmadinejad, this party commenced the publication of its press organ named *Karguzaran*.

THE ASSOCIATION OF MILITANT CLERGY (MAJMA' RUHANIYUN MUBARIZ)

The Association of Militant Clergy (AMC) comprises the clergy who broke away from the ACC. It announced independence in the last years of Ayatollah Khomeini's life and upon his permission. The AMC authenticated the existence of various thoughts and versions of religious, political and cultural issues among the clergy. The AMC comprises of persons some of whom were members of the Ayatollah Khomeini's office. "Safeguarding the bases and objectives of Islam, campaigning against global arrogance, listening to the logical statements of the opponents, spreading Imam Khomeini's attitudes, and explaining the historical status of the sacred institution of the clergy are among the stated goals of the AMC."[10]

Muhammad Khatami, Mahdi Karrubi, Muhammad Musavi Khoeiniha (former Attorney General and managing director of the banned Salaam daily), Muhammad Reza Tavassuli (former Head of Ayatollah Khomeini's office), Muhammad Ali Abtahi (former President Khatami's chief of staff), Abdulvahed Musavi-Lari (Interior Minister), Majid Ansari (MP at Majlis 6th), and Ali Akbar Mohtashami-pur (former Interior Minister and MP for Third and Sixth Majlis) are among the main members of the AMC. The new AMC's mandate (after the war) was to support political and cultural development policies and it was among the major supporters of President Muhammad Khatami. Mahdi Karrubi acted as the Secretary General of this association until 2005. The AMC does not have any official publication or organ, but the currently banned daily *Salam* was known as its tribune.[11]

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[9] Ibid.
[10] AMC's Mission Statement
[11] Barzin, *Political Factions in Iran,* p. 52-53.

THE ISLAMIC REVOLUTION MILITANT ORGANISATION (SAZMAN-I MUJAHIDIN INQILAB-I ISLAMI)

The Militant Organisation of Islamic Revolution (MOIR) was among the staunch supporters of President Khatami's administration. "Safeguarding the values and principles of the Islamic Revolution; achievement of a developed, free, and independent society; the strengthening and promotion of the ideals of the Islamic Revolution in the world; and promotion of people's ideological and political knowledge in order to participate in the affairs related to the revolution, society and their own destiny" are among the objectives of this political organization.[12] MOIR was formed immediately after the victory of the Islamic Revolution through the coalition of seven underground and semi-secret organizations of the Pahlavi era. The organization advocated defence of the achievements of the revolution and campaigned against parties and assemblies opposing the revolution. Due to internal disputes at the beginning of the Iraq-Iran War, the MOIR suspended its activities until the end of the war.

A number of the initial members of this organization joined the Islamic Revolution's Guards Corps (IRGC), such as Mohsen Rezai (former IRGC commander), Muhammad Ja'far Zulqadr (Deputy Commander of the IRGC), and Alireza Afshar (senior IRGC Commander). After the end of the Iraqi war against Iran in 1988, a number of the initial members of the organization who felt the need for activities of parties in Iran revived the MOIR. Behzad Nabavi, Mustafa Tajzadeh, Mohsen Armin (journalist and MP at the Sixth Majlis), Feyzollah Arab-Surkhi (Deputy Commerce Minister), Hashem Aqajari (university lecturer) as well as Saeed Hajarian (former advisor to President Khatami and member of Tehran City Council) are among the main members of the MOIR after resuming activity. Muhammad Salamati (former Agriculture Minister and former Deputy Cooperatives Minister) is the secretary general of the MOIR. The biweekly *A'sr-i Ma* was the official organ of the organization with Mohsen Armin as editor-in-chief. The MOIR was among the essential

[12] *A'sr-i Ma*, 16 April 1996.

supporters of Muhammad Khatami during his presidency and always attempted to theorize the reformists' trajectory.[13]

[13] Barzin, *Political Factions in Iran*, p.54.

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